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ISSUANCES

of the
Meat and Poultry Inspection Program

May 1976



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CONTENTS

- CFR Amendments
 - Sausages and Bockwurst
 - Definition and Classes of Meat
 - Smoked with Meat and Poultry Products
- MPI Bulletin
 - 76-79, Label Declarations of Salt or Sodium Content
- Changes
 - 76-5, Meat and Poultry Inspection Manual
 - 76-5, Meat and Poultry Inspection Regulations

UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, D.C. 20250

U.S. DEPT. OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
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ATTENTION: Inspectors in Charge

The first week in July, submit the annual Method of Slaughter Report, MP Form 403-4, for each livestock slaughtering plant indicating the method used for each species slaughtered at that plant. The report should be mailed to:

Inspection Standards and Regulations Staff
Technical Services
Meat and Poultry Inspection Program, APHIS
U.S. Department of Agriculture
Washington, D.C. 20250

May 18, 1976

PROPOSAL

[9 CFR Parts 317, 318, and 319]

SAUSAGES AND BOCKWURST

Modified Whey, Sodium Caseinate, and Dried Whey as Binders and Thickeners

• **Purpose.** The purpose of this document is to propose permitting the use of sodium caseinate and modified whey as binders in certain sausages and Bockwurst, and modified whey, sodium caseinate, and dried whey as thickeners in certain other products. •

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Animal and Plant Health Inspection Service of this Department is considering amending Parts 317, 318, and 319 of the meat inspection regulations (9 CFR, Parts 317, 318, and 319), under the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), to permit the use of sodium caseinate, modified whey, and dried whey in certain meat food products.

Statement of Considerations: The proposed amendments are in response to requests from packers that sodium caseinate and modified whey be considered for use in certain sausages on the same basis as the presently approved binders listed in § 319.140 of this subchapter, i.e., in amounts not exceeding 3½ percent of the finished product weight when used individually or collectively with other binders already approved for such products, except that 2 percent of sodium caseinate would be considered as the equivalent of 3½ percent of any one or more of the other binders.

Use of these substances in certain sausage products would require that their presence in such products be declared in accordance with § 317.8(b)(16) of this subchapter as "Sodium Caseinate Added," or "Modified Whey Added," as the case may be. This labeling policy would coincide with that currently required when other binders are added to sausages.

The consumer benefit present in the original permission to use binders was that products with greater textural differences could be produced, thereby providing a wider range of products from which selections for purchase could be made. Departmental taste panel tests have indicated that sausages containing modified whey and sodium caseinate could not be differentiated from similar product prepared with previously approved binders at the same level of use; hence, the original consumer benefit would be preserved.

Both of the proposed binders are nutritious sources of protein and are available at relatively lower prices than currently approved binders. Modified whey is a cheese industry byproduct, of which a large quantity is now discarded, and has been used in numerous foods for many years.

For the same reasons, it is also proposed to amend § 319.281(b)(9) to allow the use of these ingredients as binders in Bockwurst on the same basis. A change in the labeling requirements, identical to the one described above, would be made in § 317.8(b)(33) of the regulations.

It also appears that the two binders discussed above, as well as "dried whey", could similarly serve as thickening agents in "Chili con carne", "Pork with Barbecue Sauce", and "Beef with Barbecue Sauce" without affecting the

characteristics of these products. Therefore, the proposed changes will allow for this on the same basis as presently approved binders for these products.

The present chart states that the purpose of such products is to bind and extend. Today, these products are used primarily to bind or thicken; and extension is merely incidental. Therefore, the purpose in the chart has been updated.

To accommodate the above-mentioned requests, it is proposed that the Federal meat inspection regulations be amended as set forth below.

§ 319.140 [Amended]

1. Section 319.140 (9 CFR 319.140) would be amended by inserting in the second sentence therein "modified whey, sodium caseinate," immediately following reference to "nonfat dry milk,"; and by inserting "or sodium caseinate" directly after "isolated soy protein" in the fourth sentence of § 319.140.

§ 319.180 [Amended]

2. Section 319.180(e) (9 CFR 319.180 (e)) and § 319.181 (9 CFR 319.181) would be amended by adding "modified whey, sodium caseinate," immediately after "nonfat dry milk,"; and by adding "or sodium caseinate" immediately following "2 percent of isolated soy protein."

Class of substance	Substance	Purpose	Products	Amount
•	Isolated soy protein or sodium caseinate.	To bind or thicken.	Sausage, as provided in pt. 319, Bockwurst.	2 pct individually or collectively.
•	.....do.....do.....	.....do.....do.....	Imitation sausage, soups, stews, nonspecific loaves.	Sufficient for purpose.
•	.....do.....do.....	.....do.....do.....	Chili con carne; pork or beef with barbecue sauce.	8 pct individually or collectively with other binders.
•	Modified whey.....do.....	.....do.....do.....	Sausage, as provided in pt. 319, Bockwurst.	3½ pct.
•	.....do.....do.....	.....do.....do.....	Imitation sausage, soups, stews, nonspecific loaves.	Sufficient for purpose.
•	.....do.....do.....	.....do.....do.....	Chili con carne; pork or beef with barbecue sauce.	8 pct individually or collectively with other binders.
•	Whey (dried).....do.....	.....do.....do.....	Imitation sausage, soups, stews, and nonspecific loaves.	Sufficient for purpose.
•	.....do.....do.....	.....do.....do.....	Chili con carne, pork or beef with barbecue sauce.	8 pct individually or collectively with other binders.

§ 319.281 [Amended]

3. Section 319.281(b)(9) (9 CFR 319.281(b)(9)) would be amended by inserting "modified whey, sodium caseinate," immediately following the reference to "soy protein concentrate,"; and by inserting "or sodium caseinate" directly after the last reference to "isolated soy protein" in the paragraph.

§ 319.300 [Amended]

4. Section 319.300 (9 CFR 319.300) would be amended by inserting in the third sentence therein immediately following "nonfat dry milk," the words "whey (dried) modified whey, sodium caseinate,".

§ 319.312 [Amended]

5. Section 319.312 (9 CFR 319.312) would be amended by inserting in the fourth sentence therein immediately following "nonfat dry milk," the words "whey (dried), modified whey, sodium caseinate,".

§ 318.7 [Amended]

6. The chart in § 318.7(c)(4) (9 CFR 318.7(c)(4)) would be revised under the class of substance "Binders" and in connection with "Isolated soy protein," "Sodium caseinate," and "Whey (dried)" to read as follows:

§ 317.8 [Amended]

7. Section 317.8(b)(16) (9 CFR 317.8(b)(16)) would be amended by inserting "modified whey, sodium caseinate," immediately following the first reference to "nonfat dry milk,".

8. Section 317.8(b)(33) (9 CFR 317.8(b)(33)) would be amended by inserting "modified whey, sodium caseinate," immediately following the first reference to "soy protein concentrate,".

The Secretary's Advisory Committee will be consulted as prescribed in section 7 of the Act prior to any final decision.

(41 FR 18092, 18093)

April 30, 1976

Any person wishing to submit written data, views or arguments concerning the proposed amendment may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with

the Product Standards Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by July 29, 1976.

Any person desiring opportunity for oral presentation of views should address such request to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27 (c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: April 23, 1976.

F. J. MULHERN,
*Administrator, Animal and Plant
Health Inspection Service.*

[FR Doc.76-12362 Filed 4-29-76;8:45 am]

Animal and Plant Health Inspection Service
[9 CFR Parts 301, 317, and 319]

DEFINITION OF MEAT AND CLASSES OF MEAT, PERMITTED USES, AND LABELING REQUIREMENTS

Notice of Proposed Rulemaking

• *Purpose:* The primary purpose of this document is to propose amending the meat inspection regulations to revise the definition of meat and provide for uses and labeling of certain classes of meat. •

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Animal and Plant Health Inspection Service of this Department is considering amending Parts 301, 317, and 319 of the meat inspection regulations (9 CFR Parts 301, 317, and 319), under the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), to revise the definition of "meat", to define certain classes of meat, to provide for the labeling of such classes of meat in products, to provide for the use of certain classes of meat in products, and to specify limits with respect to fat and certain classes of meat in products.

Statement of Considerations: There is an ever increasing strain placed upon the world's available food supply. Materials which were not traditionally used as foods in certain parts of the world are now gaining wide acceptance. Inflation, plus the increased competition for available supplies, are but two of the many economic factors interacting to raise the consumers' costs for food. The problem has triggered an all out search for new food sources, better utilization of existing sources, and means of reducing waste of available materials. Evidence to support the concern over serious shortages may be seen in the efforts of all nations to address the problem, and the scientific and technical resources committed to find answers.

The meat industry has recently utilized new nonmeat materials by combining them with traditional meat ingredients to process new products that are appealing to the consumer. In addition to using new sources of ingredients, the industry is also striving to develop new methods for recovering additional nutrients. Recently, mechanical equipment has been developed to a point where indications are that an additional 5 to 15 pounds of product containing 10 to 15 percent by weight of protein can be recovered from carcasses which undergo traditional hand deboning operations. More attention, too, is being placed on recovering the small amounts of protein occurring in fatty tissues. Both of these products are presently being produced and utilized in limited amounts under special guidelines developed by USDA for the purpose of acquiring factual data upon which to base this proposed rulemaking.

The Department wholeheartedly supports the effort to expand the food supply, but is conscious of its responsibilities as a regulatory agency in the field of meat and poultry inspection. The first consideration in allowing the use of any ingredient, new or traditional, is its wholesomeness. Secondly, the Department is

becoming increasingly aware of its responsibilities in the field of nutrition. Meat and poultry are acknowledged as among the best sources of the complete protein needed by humans. To allow broad substitution of new products, which are wholesome and edible but greatly inferior to the traditional nutritional value of meat, would not serve the needs of the consumer. Although there may be cost benefits available, they must be carefully weighed against the public welfare and the need for adequate nutrition over a lifetime. This philosophy underlies the regulatory proposals regarding new types of meat products being recovered or processed by advanced technological methods.

What is meat? For many years the Federal meat inspection regulations (9 CFR 301.2(tt)) have defined meat as follows:

"Meat. The part of the muscle of any cattle, sheep, swine, or goats, which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout, or ears. This term, as applied to products of equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats."

In preparing to revise the definition of meat, the Department first examined the two principal forms in which the consumer purchases meat. One form is essentially unprocessed, except for the cutting or grinding operation: e.g., steaks, roasts, chops, or hamburger. The second form is in processed products in which the meat ingredients are mixed with other ingredients of animal and/or vegetable origin to form a new product; e.g., various types of sausages and luncheon meat; canned products, such as stews and chilis; frozen products, such as pizzas; entrees, such as beef and gravy; and specialty foods, such as egg rolls.

Livestock carcasses and parts therefrom of lower grades are rarely used for retail cuts. It should be emphasized that by lower grades, we are referring to carcasses and parts therefrom which are wholesome in all respects, but which came from animals that because of age, type of feed, or length of time on feed, or other factors, yield carcasses and parts therefrom which are of lower quality. Such lower grade carcasses and parts therefrom are usually deboned completely. Meat derived from such animals, which is usually very low in fat content, and those trimmings derived from the production of retail cuts, which are usually much higher in fat content, are the meat ingredients frequently used for processed meat products.

These meats which are used for further processing form the large body of products known generally as manufac-

turing meat. The consumer never sees these meats as such, and the various processors usually produce or specify the types of trimmings they want for blending and processing into their line of products. However, new sources of manufacturing meat are now available as a result of advancing technology, principally in the area of low temperature rendering, high temperature rendering, and mechanical deboning. It is in order to allow wider use of these new products, that the Department proposes to expand the definition of the word "meat." Implicit in the proposed new standards is an assurance to the consumer that their inclusion in formulated products will not dilute the nutritional quality normally and traditionally associated with meat. This philosophy was discussed conceptually on March 22 with an Ad Hoc group of consumer representatives called together by USDA. Those attending were: Nancy Llewellyn—Member, Arkansas State Consumer Task Force, and Vice Chairman, Board of Directors, West Arkansas Community College; Camille Haney—Director of Consumer Affairs for Barkin, Herman, Solochek, and Paulsen, and Member, President's Consumer Advisory Council; Sue Kappler—Virginia Conference of Consumer Organizations; James Turner—Swankin, Turner, and Koch (Law Firm), and General Counsel, National Consumers League; Kinsey B. Green—Executive Director, American Home Economics Association; Harold Sherman—New York City Department of Consumer Affairs; Mitchell King—National Consumers Congress; Rodney Stein—State Department of Consumer Affairs, California; Martin Peterson—Director, External Liaison, Office of Consumer Affairs, Department of Health, Education, and Welfare; and Howard Seltzer—Deputy Director, Program Development and Implementation, Office of Consumer Affairs, Department of Health, Education, and Welfare.

While there was general agreement that nutritional standards for these products were a needed and progressive step, there was also, general concern as to how they would appear on the ingredient statement of a processed product. Consumers present at the meeting expressed reservations about the terms "Beef" and "Pork" (which are designations for hand-deboned meat) being appropriate for the products under consideration in this proposal. In their view, the processing required to produce the product altered the general nature of the products processed so that it should be identified in a more specific manner. Much of their concern centered about increased bone content which is discussed further in the Statement of Considerations, and controlled by the proposed standard for calcium. Several present suggested labeling terminology that would be descriptive of the processing technique, e.g., mechanically deboned meat and partially defatted meat. Their consensus was that consumers want sufficiently distinctive labeling upon which to base purchasing decisions between dif-

fering products and their respective prices.

Because of the reservations expressed by the Ad Hoc consumer group, the Department wishes to highlight this matter to all who plan to comment, and to expressly ask for information, data, views, or suggested alternatives to aid in reaching a final conclusion.

In responding to consumer concerns that nutritional standards are needed for these products, the Department is addressing three main points; the amount of fat, the amount of protein, and the quality of the protein.

Meat purchased as steaks, chops, or roasts by the consumer presents no problem with respect to the protein quality being artificially changed, and the amount of fat in such meat can be seen and considered in light of different trimming practices and price.

There could be a problem with respect to the nutritional quality of products recovered by the mechanical deboning, or low or high temperature rendering operations. In order to allow the wider use of these products, the Department proposes to expand the definition of meat and include requirements that will assure the consumer that inclusion of these articles in formulated products will not dilute the nutritional quality traditionally associated with such products. Additionally, such requirements will allow identification of these various forms of manufacturing product so that a processor can avail himself of the types best suited to his finished products.

In recent years, the question of fat percentages in meat products is one which has generated a great deal of interest on the part of consumers. Fat is interspersed in the lean muscle tissue and also occurs as an overlying cover of whole muscles or muscle groups. Fat is also deposited in relatively large amounts in other parts of the carcass, such as around the kidneys or in other parts of the abdominal cavity, and is ordinarily processed into lard or tallow. Only that fat which accompanies and overlies the muscle would be included in the revised definition of meat. Many cuts of meat, both wholesale and retail, contain in excess of 50 percent fat; and some, such as pork jowls, contain approximately 85-90 percent fat. The consumer who is concerned about fat in the diet can select those cuts of meat which are known to contain lesser amounts of fat, or can trim away the overlying layer of fat to fit personal preference.

The incorporation of manufacturing meat of high fat content into meat food products has been the subject of many comments and much misunderstanding. It has been noted that in the preparation of carcasses, and wholesale and retail cuts, trimmings are produced which are used as ingredients in processed products. These are bought and sold on the basis of lean to fat content; "50-50" trimmings, for example, will average 50 percent lean and 50 percent fat. The production of these trimmings will frequently result in some pieces which contain very little lean or no lean at all,

and other pieces which contain a high percentage of lean. One of the questions addressed by this proposal is whether to allow blending of such trimmings, or to require each piece to contain a certain amount of lean muscle tissue. The Department proposes that the control of the amount of fat in the finished product is the important consideration, and accordingly proposes to allow the blending of all trimmings, so long as there is a fat limit on the finished products.

With the multitude of processed meat items available, which have traditionally been made, sold, and found acceptable at various fat levels, an attempt to limit the use of ingredients by setting maximum fat levels for all products would be too cumbersome to be practical. Therefore, the Department proposes to divide certain classes of manufacturing meat into categories based, among other things, on fat levels with which they have been associated, impose a 50 percent maximum fat limit based on the meat, meat by-product, and poultry product content of all meat food products not otherwise specifically regulated as to fat content.

Aside from the question of fat, and protein quantity and quality, there are other considerations in the defining and acceptance of meats produced by new processes. In the mechanical deboning process, the bones are finely broken and some pulverized portions are incorporated into the product. There are two matters worthy of consideration in this respect. One is that of adulteration. Is the product adulterated by the presence of such bone? It is the Department's present position that the bone, if present in such a particle size or in such an amount as to be readily apparent to the taste or touch, would indeed be identifiable as bone and would be a reason for considering the product to be adulterated. However, modern equipment can minimize the particle size and level of bone to an extent that it cannot be detected by sensation in the mouth. Additionally, a trained taste panel was used to determine at which levels bone becomes apparent to the taste and thus objectionable. The members were unable to detect a significant taste difference between products prepared without the addition of mechanically deboned meat and products prepared with the addition of mechanically deboned meat containing calcium (which is an indicator of bone content) even at levels above those being proposed in this document.

To address another important consideration of the bone question, we should consider the place of calcium in the American diet. Concern has been expressed over maintenance of the calcium-phosphorous balance in the diet. The concern has been that the amount of calcium present is too low, and meat is one of the diet staples that is deficient in calcium. Calcium is one of the main constituents of bone, and that which is incorporated into mechanically deboned meat is readily available to the human digestive system and, therefore, should be considered in view of such concern. As long as the particle size can be controlled,

and the amount incorporated into finished product not detectable in any way, the Department is of the opinion that far from being objectional, the presence of additional calcium may be of benefit.

Another product addressed by the proposal is that resulting from the low temperature rendering of meat tissues. Heretofore, if the starting ingredients were meat trimmings containing at least 12 percent lean meat, the finished product, after removal of most of the fat, was identified as "partially defatted chopped beef (or pork)." If the initial ingredients were trimmings containing less than 12 percent lean, the finished product was identified as "partially defatted beef (or pork) fatty tissue."

Much controversy arose over the use of these products in various processed meat products. Their nutritional value was questioned, and their status as meat or meat byproducts never completely resolved. Again, the Department proposes to adopt the nutritional quality approach and define these products as meat, provided they conform to the nutritional parameters set forth in the proposal. The parameters are such that the controversy over their nutritional quality should no longer exist to bar their use in appropriate products.

A calcium level has been set for these rendered products, since the renderer may use mechanically deboned parts of carcasses which exceed the calcium limits set for mechanically deboned meat.

High temperature rendering can produce meat with the same qualities as that produced by low temperature rendering, except that the product is cooked.

Although the lean muscle tissue of cheeks, heads, diaphragms, hearts, tongues, and esophagi have always been officially considered as meat, the Department has not always required explicit declaration of the presence of such tissue on labeling of products containing such tissues. For consistency, this proposal would permit these tissues to be used as meat without further labeling qualifications.

Because of the extent of the proposed amendments, the most important changes are summarized in tables following the proposal. Table 1 lists proposed fat, PER (or amino acid content), protein and calcium limits for the various classes of meat; and Table 2 lists certain standardized products and the classes of meat which would be permitted as ingredients in such products.

The proposed amendments are as follows:

1. § 301.2(tt) (9 CFR 301.2(tt)) would be revised to read as follows:

§ 301.2 Definitions.

(tt) Meat. Any edible portion of the carcass of any cattle, sheep, swine, or goats, exclusive of lips, snouts, ears, caul fat, leaf fat, kidney fat, and other visceral fat, and exclusive of all organs, except the heart, tongue, and esophagus;

and including but not limited to the following classes of meat:¹

- (1) Skeletal meat,
- (2) Heart meat,
- (3) Tongue meat,
- (4) Esophagus meat,
- (5) Meat trimmings,
- (6) Fatty meat trimmings,
- (7) Mechanically deboned meat,
- (8) Mechanically deboned meat for processing,
- (9) Mechanically deboned meat for rendering,
- (10) Rendered meat,
- (11) Rendered meat for processing,
- (12) Cooked rendered meat, and
- (13) Cooked rendered meat for processing.

The term "meat," as applied to products of equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

2. § 317.2(f) (1) (9 CFR 317.2(f) (1)) would be amended by adding a new subdivision (vi) to read as follows:

§ 317.2 Labels: definition; required features.

(f) (1) * * *

(vi) The terms "beef", "pork", "mutton", or "goat" (or "chevon") may be used for any of the classes of meat defined in § 319.5 of this subchapter when derived, respectively, from cattle, sheep, swine, or goats (chevon).

3. A new § 319.5 would be added to Part 319 to read as follows:

§ 319.5 Definitions of classes of meat.

Class 1: *Skeletal Meat*—skeletal muscle tissue with accompanying fat that has been attached directly to bone, including that from the diaphragm, and cheeks after they are trimmed to remove glandular tissue.

Class 2: *Heart Meat*—the heart trimmed of bone and cartilage.

Class 3: *Tongue Meat*—the tongue trimmed of cartilage and glandular materials.

Class 4: *Esophagus Meat*—the muscular portion of the esophagus.

Class 5: *Meat Trimmings*—the product resulting from the trimming of dressed carcasses, primal parts, or wholesale or retail cuts of skeletal meat, and containing 30 percent fat or less.

Class 6: *Fatty Meat Trimmings*—the product resulting from the trimming of dressed carcasses, primal parts, or wholesale or retail cuts of skeletal meat, and containing more than 30 percent fat.

Class 7: *Mechanically Deboned Meat*—the product resulting from the mechanical separation and removal of most of the bone from attached skeletal muscle tissue, and containing a minimum of 14.0 percent protein with a minimum

Protein Efficiency Ratio (PER) value of 2.5 (or an essential amino acid content of 33%),¹ a maximum fat content of 30 percent, and a maximum calcium content of 0.75 percent.

Class 8: *Mechanically Deboned Meat for Processing*—the product resulting from the mechanical separation and removal of most of the bone from attached skeletal muscle tissue and which fails to meet one or more of the limits prescribed for class 7, but contains a minimum of 10.0 percent protein with a minimum PER value of 2.5 (or an essential amino acid content of 33%),¹ and a maximum calcium content of 1.0 percent.

Class 9: *Mechanically Deboned Meat for Rendering*—the product resulting from the mechanical separation and removal of most of the bone from attached skeletal muscle tissue and which fails to meet one or more of the limits prescribed for class 8.

Class 10: *Rendered Meat*—the product resulting from the partial removal of fat from meat of class 1, 2, 3, 4, 5, 6, 7, 8, or 9, or a combination thereof, by a low temperature (120° F. or less) rendering process, and containing a minimum of 14 percent protein with a minimum PER of 2.5 (or an essential amino acid content of 33%),¹ a maximum fat content of 30 percent, and, if mechanically deboned meat is used, a maximum calcium content of 0.75 percent.

Class 11: *Rendered Meat for Processing*—the product resulting from the partial removal of fat from meat of class 1, 2, 3, 4, 5, 6, 7, 8, or 9, or a combination thereof, by a low temperature (120° F. or less) rendering process, and which fails to meet one or more of the limits prescribed for class 10, but contains a minimum of 20 percent protein with a minimum PER of 2.0 (or an essential amino acid content of 28%),¹ a maximum fat content of 30 percent, and, if mechanically deboned meat is used, a maximum calcium content of 1.0 percent.

Class 12: *Cooked Rendered Meat*—the product resulting from the partial removal of fat from meat of class 1, 2, 3, 4, 5, 6, 7, 8, or 9, or a combination thereof, by a high temperature (160° F. or more) rendering process, and containing a minimum of 14 percent protein with a minimum PER of 2.5 (or an essential amino acid content of 33%),¹ a maximum fat content of 30 percent, and, if mechanically deboned meat is used, a maximum calcium content of 0.75 percent.

Class 13: *Cooked Rendered Meat for Processing*—the product resulting from the partial removal of fat from meat of class 1, 2, 3, 4, 5, 6, 7, 8, or 9, or a combination thereof, by a high temperature (160° F. or more) rendering process, and which fails to meet one or more of the limits prescribed for class 12, but con-

¹ The percent of the following amino acids expressed as a percentage of the total protein: phenylalanine, isoleucine, leucine, lysine, methionine, tryptophan, valine, and threonine. PER, if used, should be adjusted to 2.50 for casein.

tains a minimum of 20 percent protein with a minimum PER of 2.0 (or an essential amino acid content of 28%),¹ a maximum fat content of 30%, and, if mechanically deboned meat is used, a maximum calcium content of 1.0 percent.

4. A new § 319.6 (9 CFR 319.6) would be added to read:

§ 319.6 Limitations with respect to fat and certain classes of meat.

(a) Unless specific fat limits are otherwise prescribed in this Part for any products, the meat, meat byproduct, and/or poultry product portion of the formula shall consist of no more than 50 percent fat by analysis. This paragraph shall not apply to oleomargarine, margarine, mixed fat shortening, lard, lard, and rendered animal fat or mixture thereof.

(b) In meat food products in which meat of class 8, 11, or 13, as defined in § 319.5, or a combination thereof, are permitted ingredients under this Part, the use shall be limited to a maximum of 20 percent of the total of all meat, meat byproducts, poultry products and poultry meat used in the formulation.

§ 319.15 [Amended]

5. Section 319.15(a) (9 CFR 319.15 (a)) would be amended by inserting after the words "frozen beef in the first sentence the following: "only of class 1, 5, or 6, as defined in § 319.5 of this subchapter, or a combination thereof,"; by deleting in the first sentence the words "and without the addition of beef fat as such"; and by deleting the last sentence.

6. Section 319.15(b) (9 CFR 319.15 (b)) would be amended by inserting after the words "frozen beef" in the first sentence the following: "only of class 1, 2, 3, 4, 5, or 6, as defined in § 319.5 of this subchapter, or a combination thereof,"; by deleting in the first sentence the following: "beef fat as such and/or"; and by deleting the last sentence.

7. Section 319.15(c) (9 CFR 319.15 (c)) would be amended by inserting after the words "frozen beef" in the first sentence the following: "only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, or 11, as defined in § 319.5 of this subchapter or a combination thereof,"; by deleting in the first sentence the following: "beef fat as such and/or"; and by deleting in the second sentence the following: "and/or partially defatted beef fatty tissue".

8. Section 319.15(d) (9 CFR 319.15 (d)) would be amended by deleting the remainder of the first sentence after the word "meat" and by inserting in lieu thereof the following: "only of class 1, 5, or 6, as defined in § 319.5 of this subchapter, or a combination thereof,"; and by deleting the third sentence.

9. Section 319.15(e) (9 CFR 319.15 (e)) would be amended by adding after the phrase "of fresh beef fatty tissue" in the first sentence the following: "and which does not meet the definition of meat class 10 or 11 continued in § 319.5 of this subchapter"; and by adding after the word

¹ Sald classes of meat are defined in § 319.5 of this subchapter.

"appearance" in the second sentence the words "and may be used wherever binders are permitted and at the same levels."

§ 319.29 [Amended]

10. Section 319.29(a) (9 CFR 319.29 (a)) would be amended by adding after the word "skin" in the first sentence the following: ", and which does not meet the definition of meat class 10 or 11 contained in § 319.5 of this subchapter"; and by adding after the word "appearance" in the second sentence, the words "and may be used wherever binders are permitted and at the same levels."

§ 319.80 [Amended]

11. Section 319.80 (9 CFR 319.80) would be amended by inserting after the word "shall" in the first sentence the following: "consist of meat only of class 1 or 5, as defined in § 319.5 of this subchapter, or a combination thereof, and shall"; and by adding a period after the words "surface fat".

§ 319.81 [Amended]

12. Section 319.81 (9 CFR 319.81) would be amended by deleting the second and third sentences; and by adding after the words "fresh beef weight" in the remaining sentence the following: ", and shall consist of meat only of class 1 or 2, as defined in § 319.5 of this subchapter, or a combination thereof".

§ 319.100 [Amended]

13. Section 319.100 (9 CFR 319.100) would be amended by inserting after the word "cuts" in the first sentence, the following: "of beef only of class 1, as defined in § 319.5 of this subchapter,"; by inserting after the words "shall be prepared" in the second sentence, the following: "from beef only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, or 11, as defined in § 319.5 of this subchapter, or a combination thereof, and shall be prepared"; and by deleting the fourth and fifth sentences.

§ 319.104 [Amended]

14. Section 319.104(f) (9 CFR 319.104 (f)) would be amended by deleting in the first sentence the following: "may contain finely chopped ham shank meat to the extent of 25 percent over that normally present in the boneless ham"; and by inserting in lieu thereof the following: "shall consist of meat only of class 1 or 5, as defined in § 319.5 of this subchapter, or a combination thereof, derived from ham".

§ 319.105 [Amended]

15. Section 319.105(a) (9 CFR 319.105 (a)) would be amended by deleting after the words "prepared with" in the first sentence the following: "ham," and by inserting in lieu thereof the following: "meat only of class 1 or 5, as defined in § 319.5 of this subchapter, or a combination thereof, derived from ham, and with."

16. Section 319.105(b) (9 CFR 319.105 (b)) would be amended by deleting subparagraph (1), and renumbering subparagraphs (2) through (9) as subparagraphs (1) through (8), respectively.

§ 319.140 [Amended]

17. Section 319.140 (9 CFR 319.140) would be amended by deleting in the first sentence the words "kinds of meat or meat and meat byproducts" and by inserting in lieu thereof the following: "classes of meat or classes of meat and meat byproducts, as otherwise provided for in this subpart".

§ 319.141 [Amended]

18. Section 319.141 (9 CFR 319.141) would be amended by inserting after the comma following the words "or both" in the first sentence, the following: "of meat only of class 1, 5, 6, 7, 8, 10, or 11, as defined in § 319.5 of this subchapter, or a combination thereof"; by deleting in the first sentence the words "not including pork byproducts"; and by revising the second sentence to read: "The finished product shall not contain more than 45 percent fat, based on laboratory analysis."

§ 319.142 [Amended]

19. Section 319.142 (9 CFR 319.142) would be amended by inserting after the comma following the words "or both" in the first sentence the following: "of meat only of class 1, 5, 6, 7, 8, 10, or 11, as defined in § 319.5 of this subchapter, or a combination thereof"; and by deleting in the first sentence the words "not including beef byproducts".

§ 319.143 [Amended]

20. Section 319.143 (9 CFR 319.143) would be amended by inserting after the comma following the words "frozen meat" in the first sentence the following: "only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, or 11, as defined in § 319.5 of this subchapter, or a combination thereof"; by deleting in the first sentence the words "or meat and meat byproducts"; and by revising the second sentence to read: "The finished product shall not contain more than 45 percent fat based on laboratory analysis."

§ 319.144 [Amended]

21. Section 319.144 (9 CFR 319.144) would be amended by inserting after the word "swine" in the first sentence the following: "only of class 1, 7, or 8, as defined in § 319.5 of this subchapter, or a combination thereof,"; and by revising the second sentence to read: "The finished product shall not contain more than 45 percent fat based on laboratory analysis."

§ 319.160 [Amended]

22. Section 319.160 (9 CFR 319.160) would be revised to read: § 319.160 Smoked pork sausage. Smoked pork sausage shall conform to the provisions of § 319.141 of this subchapter, and shall be smoked with hardwood or other approved nonresinous materials.

§ 319.180 [Amended]

23. Section 319.180(a) (9 CFR 319.180 (a)) would be amended by deleting in the first sentence the words "one or more kinds of raw skeletal muscle meat or raw

skeletal muscle meat" and by inserting in lieu thereof the following: "meat only of class 1, 5, 6, 7, 8, 10, or 11, as defined in § 319.5 of this subchapter, or a combination thereof, of such meat".

24. Section 319.180(b) (9 CFR 319.180 (b)) would be amended by deleting in the first sentence the following: "one or more kinds of raw skeletal muscle meat with raw meat byproducts, or not less than 15 percent of one or more kinds of raw skeletal muscle meat" and by inserting in lieu thereof the following: "meat only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, or 11, as defined in § 319.5 of this subchapter, or a combination thereof, with raw meat byproducts, or not less than 15 percent of such meat"; and by deleting the third sentence.

25. Section 319.180(e) (9 CFR 319.180 (e)) would be amended by inserting after the words "of this section" the following: "Partially defatted beef fatty tissue, partially defatted pork fatty tissue,"; and by changing the "D" to lower case in the word "Dried."

26. Section 319.180(g) (9 CFR 319.180 (g)) would be amended by deleting the remainder of the sentence after the comma following the word "tongues," and by inserting in lieu thereof the following: "lips, weasands, spleens, and visceral fat."

27. Subpart H was apparently deleted inadvertently (see 38 FR 14742). Therefore, subpart H would be added to read as follows:

Subpart H—Other Cooked Sausage

§ 319.200 Liver sausage and braunschweiger.

"Liver Sausage" and "Braunschweiger" are cooked sausages made from fresh and/or frozen pork and pork livers and/or beef livers and may contain cured pork, beef and/or veal. Such products shall, except as provided below, contain meat only of class 1, 5, 6, 7, 8, 10, or 11, as defined in § 319.5 of this subchapter, or a combination thereof. Liver sausage may also contain beef and pork byproducts; pork skins only of meat class 2, 3, or 4, as defined in § 319.5 of this subchapter, or a combination thereof; and sheep livers and goat livers. These products shall contain not less than 30 percent liver computed on the weight of the fresh liver and may contain binders and extenders as permitted in § 319.140.

§ 319.260 [Amended]

28. Section 319.260 (9 CFR 319.260) would be amended by inserting after the words "comminuted meat" in the first sentence the following: "only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, or 11, as defined in § 319.5 of this subchapter, or a combination thereof."

§ 319.261 [Amended]

29. Section 319.261 (9 CFR 319.261) would be amended by inserting after the words "comminuted meat" the first sentence the following: "only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, 11; 12, or 13, as defined in § 319.5 of this subchapter, or a combination thereof."

§ 319.280 [Amended]

30. Section 319.280 (9 CFR 319.280) would be amended by revising the first sentence to read: "Scrapple shall contain not less than 40 percent meat and/or meat byproducts computed on the basis of fresh weight, and shall contain meat only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, or 13, as defined in § 319.5 of this subchapter, or a combination thereof."

§ 319.281 [Amended]

31. Section 319.281(a) (9 CFR 319.281 (a)) would be amended by deleting the period after the word "cooked" and by deleting the words "It contains meat"; and by inserting in lieu thereof the following: "and which contains meat only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, or 11, as defined in § 319.5 of this subchapter, or a combination thereof."

32. Section 319.281(b) (1) (9 CFR 319.281(b) (1)) would be deleted and the remaining subparagraphs (2) through (9) would be renumbered (1) through (8)

§ 319.300 [Amended]

33. Section 319.300 (9 CFR 319.300) would be amended by inserting after the words "fresh meat" in the first sentence the following: ", and shall contain meat only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, or 13, as defined in § 319.5 of this subchapter, or a combination thereof"; and by deleting the second sentence.

§ 319.301 [Amended]

34. Section 319.301 (9 CFR 319.301) would be amended by inserting after the words "fresh meat" in the first sentence the following: ", and shall contain meat only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, or 13, as defined in § 319.5 of this subchapter, or a combination thereof"; and by deleting the second sentence.

§ 319.302 [Amended]

35. Section 319.302 (9 CFR 319.302) would be amended by deleting in the first sentence the words "and trimmed"; and by inserting after the words "cooked meat" in the first sentence the following: ", and shall contain meat only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, or 13, as defined in § 319.5 of this subchapter, or a combination thereof."

§ 319.303 [Amended]

36. Section 319.303 (9 CFR 319.303) would be amended by inserting after the words "with beef" in the first sentence of paragraph (a) the following: "only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, or 13, as defined in § 319.5 of this subchapter, or a combination thereof"; by deleting from paragraph (a)(1) the words "and trimmed"; by deleting subparagraphs (1) and (8) from paragraph (b); by renumbering subparagraphs (2) through (7) of paragraph (b) as subparagraphs (1) through (6), respectively; and by deleting paragraph (d).

§ 319.304 [Amended]

37. Section 319.304 (9 CFR 319.304) would be amended by inserting after the words "fresh meat" the following: ", and shall contain meat only of class 1, 5, or 6,

as defined in § 319.5 of this subchapter, or a combination thereof".

§ 319.305 [Amended]

38. Section 319.305 (9 CFR 319.305) would be amended by inserting after the words "of the tamales" in the first sentence the following: ", and shall contain meat only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, or 13, as defined in § 319.5 of this subchapter, or a combination thereof"; and by inserting after the words "and gravy" in the third sentence the following: ", and shall contain meat only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, or 13, as defined in § 319.5 of this subchapter, or a combination thereof."

§ 319.306 [Amended]

39. Section 319.306 (9 CFR 319.306) would be amended by adding after the words "fresh meat" in the first sentence the following: ", and shall contain meat only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, or 13, as defined in § 319.5 of this subchapter, or a combination thereof."

§ 319.307 [Amended]

40. Section 319.307 (9 CFR 319.307) would be amended by adding after the words "fresh meat" the following: ", and shall contain meat only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, or 13, as defined in § 319.5 of this subchapter, or a combination thereof."

§ 319.310 [Amended]

41. Section 319.310 (9 CFR 319.310) would be amended by inserting after the words "and sauce" the following: ", and shall contain meat from the ham only of class 1 or 5, as defined in § 319.5 of this subchapter, or a combination thereof, or bacon."

§ 319.311 [Amended]

42. Section 319.311 (9 CFR 319.311) would be amended by inserting after the word "ingredients" the following: ", and shall contain meat only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, or 13, as defined in § 319.5 of this subchapter, or a combination thereof."

§ 319.312 [Amended]

43. Section 319.312 (9 CFR 319.312) would be amended by deleting the words "and trimmed" in the first sentence; and by inserting after the words "cooked meat" in the first sentence the following: ", and shall contain meat only of class 1 or 5, as defined in § 319.5 of this subchapter, or a combination thereof."

44. The heading and text of § 319.313 would be revised to read as follows:

§ 319.313 Meat with gravy and gravy with meat.

"Meat with Gravy" and "Gravy with Meat" shall contain meat only of class 1 or 5, as defined in § 319.5 of this subchapter, or a combination thereof, and shall contain a minimum of 50 percent cooked meat and 35 percent cooked meat, respectively.

§ 319.500 [Amended]

45. Section 319.500 (9 CFR 319.500) would be amended by inserting after the

words "uncooked meat" the following: ", and shall contain meat only of class 1 or 5, as defined in § 319.5 of this subchapter, or a combination thereof."

§ 319.600 [Amended]

46. Section 319.600(a) (9 CFR 319.600 (a)) would be amended by inserting after the words "raw meat" in the second sentence the following: ", and shall contain meat only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, or 13, as defined in § 319.5 of this subchapter, or a combination thereof."

§ 319.760 [Amended]

47. Section 319.760(a) (9 CFR 319.760 (a)) would be amended by inserting after the words "comminuted ham" in the first sentence the following: "only of class 1, 5, or 6, as defined in § 319.5 of this subchapter, or a combination thereof."; and by revising the second sentence to read as follows: "The total fat content shall not exceed 35 percent of the finished product."

§ 319.761 [Amended]

48. Section 319.761 (9 CFR 319.761) would be amended by adding a new sentence at the end of the paragraph to read as follows: "Meat used for potted meat food product or deviled meat food product shall be meat only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, or 13, as defined in § 319.5 of this subchapter, or a combination thereof."

49. Section 319.762 (9 CFR 319.762) would be revised to read as follows:

§ 319.762 Ham spread, tongue spread, and similar products.

"Ham Spread", "Tongue Spread", and similar products may contain meat only of class 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, or 13, as defined in § 319.5 of this subchapter, or a combination thereof, and not less than 50 percent of the total meat used shall be of class 1, 2, 3, 4, or 5, or a combination thereof; computed on the weight of the fresh meat, and not less than 50 percent of the total meat used shall be of the meat ingredient of the product name.

Any person wishing to submit written data, views or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Product Standards Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by August 25, 1976.

Any person desiring opportunity for oral presentation of views should address such request to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public

inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such persons by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been

made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C. on April 23, 1976.

F. J. MULHERN,
Administrator, Animal and Plant
Health Inspection Service.

TABLE 1.

	MEAT CLASS	MAXIMUM PERCENT CALCIUM	MINIMUM PERCENT PROTEIN	MINIMUM OR PERCENT PER	MINIMUM PERCENT ESSENTIAL AMINO ACIDS	MAXIMUM PERCENT FAT
SKELETAL MUSCLE	1	-	-	-	-	-
HEART MEAT	2	-	-	-	-	-
TONGUE MEAT	3	-	-	-	-	-
ESOPHAGUS MEAT	4	-	-	-	-	-
MEAT TRIMMINGS	5	-	-	-	-	30
FATTY MEAT TRIMMINGS	6	-	-	-	-	-
MECHANICALLY DEBONED MEAT	7	0.75	14	2.5 or 33	33	30
MECHANICALLY DEBONED MEAT FOR PROCESSING	8	1.00	10	2.5 or 33	33	-
MECHANICALLY DEBONED MEAT FOR RENDERING	9	-	-	-	-	-
RENDERED MEAT	10	0.75	14	2.5 or 33	33	30
RENDERED MEAT FOR PROCESSING	11	1.00	20	2.0 or 28	28	30
COOKED RENDERED MEAT	12	0.75	14	2.5 or 33	33	30
COOKED RENDERED MEAT FOR PROCESSING	13	1.00	20	2.0 or 28	28	30

1/ Expressed as a percent of total protein

TABLE 2.

Reg. Cite in 9 CFR 319	PRODUCT NAME	CLASS OF MEAT												
		1	2	3	4	5	6	7	8	9	10	11	12	13
.15(a)	Chopped Beef, Ground Beef	x				x	x							
.15(b)	Hamburger	x	x	x	x	x	x							
.15(c)	Beef Patties	x	x	x	x	x	x	x	x		x	x		
.15(d)	Fabricated Steaks, etc.	x				x	x							
.80	Barbecued Meats	x				x								
.81	Roast Beef, Parboiled, Steam Roasted	x	x											
.100	Corned Beef Cuts	x												
.100	Canned Corned Beef	x	x	x	x	x	x	x	x		x	x		
.104(f)	Pressed Ham, Spiced Ham, etc.	x				x								
.105	Chopped Ham	x				x								
.141	Fresh Pork Sausage	x				x	x	x	x		x	x		
.142	Fresh Beef Sausage	x				x	x	x	x		x	x		
.143	Breakfast Sausage	x	x	x	x	x	x	x	x		x	x		
.144	Whole Hog Sausage	x						x	x					
.160	Smoked Pork Sausage	x				x	x	x	x		x	x		
.180(a)	Franks, Bologna, etc.	x				x	x	x	x		x	x		
.180(b)	Franks, Bologna, etc.	x	x	x	x	x	x	x	x		x	x		
.200	Braunschweiger	x	x	x	x	x	x	x	x		x	x		
.200	Liver Sausage	x	x	x	x	x	x	x	x		x	x		
.260	Luncheon Meat	x	x	x	x	x	x	x	x		x	x		
.261	Meat Loaf	x	x	x	x	x	x	x	x		x	x	x	x
.280	Scrapple	x	x	x	x	x	x	x	x		x	x	x	x
.281	Bockwurst	x	x	x	x	x	x	x	x		x	x		
.300	Chili Con Carne	x	x	x	x	x	x	x	x		x	x	x	x
.301	Chili Con Carne with Beans	x	x	x	x	x	x	x	x		x	x	x	x
.302	Hash	x	x	x	x	x	x	x	x		x	x	x	x
.303	Corned Beef Hash	x	x	x	x	x	x	x	x		x	x	x	x
.304	Meat Stews	x				x	x							
.305	Tamales	x	x	x	x	x	x	x	x		x	x	x	x
.306	Spaghetti and Meatballs, etc.	x	x	x	x	x	x	x	x		x	x	x	x
.307	Spaghetti Sauce with Meat	x	x	x	x	x	x	x	x		x	x	x	x
.310	Lima Beans with Ham, etc.	x				x								
.311	Chow Mein, Chopped Suey, etc.	x	x	x	x	x	x	x	x		x	x	x	x
.312	Pork with Barbecued Sauce Beef with Barbecued Sauce	x				x								
.313	Beef and Gravy, Gravy and Beef	x				x								
.500	Meat Pies	x				x								
.600(a)	Pizza	x	x	x	x	x	x	x	x		x	x	x	x
.760(a)	Deviled Ham, Tongue, etc.	x				x	x							
.761	Potted Meat, Deviled Meat	x	x	x	x	x	x	x	x		x	x	x	x
.762	Ham, Tongue Spreads, 50% of Product	x	x	x	x	x								
	50% Optional above	x	x	x	x	x	x	x	x		x	x	x	x

PROPOSAL

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

"SMOKED" WITH MEAT AND POULTRY PRODUCTS

Use of Term; Solicitation of Information

● **Purpose:** This notice is to solicit information and opinions about the meaning of the term "smoked" when used on the labeling of meat and poultry products. ●

Basically, the Department wishes to determine whether the consumer interprets the term "smoked" on the labeling of meat and poultry products to mean that:

(1) The product has been subjected to smoke resulting directly from burning wood which imparts to the finished product certain characteristics, such as a brownish color and a unique aroma and flavor, or

(2) The finished product possesses the expected characteristics of color, aroma, and flavor without regard to the process involved.

The reader may wish to consider these questions before proceeding further. However, to shed additional light on the matter, further discussion is offered.

Deposition of smoke onto meat and poultry products imparts certain properties, including color, aroma, and flavor, which have consumer appeal. Historically, the process included burning wood and exposing the meat or poultry to the smoke produced therefrom. In more recent times, methods were devised to produce smoke from wood by friction. Although the intensity of smoke on a product has not been specified, to use the term "smoked" on a product label for a federally inspected meat or poultry product, the item must have been subjected to such a smoking process, and must have acquired some degree of the appearance, texture, odor, and taste characteristics usually associated with smoked products.

Within the past few years, technology has made possible the manufacture of an artificial liquid smoke flavoring product containing chemical components simulating the color, aroma, and flavor characteristics of smoke. When used in meat or poultry products, their names are modified with the term "Artificial Smoke Flavor Added." In addition to the synthesized liquid, a natural liquid smoke product is also produced. It is prepared by burning wood and trapping and condensing the smoke into a liquid. The liquid is then filtered to remove many of the undesirable components, such as tars and solid particles. This seemingly does not destroy its ability to accomplish the desired effect of imparting a smoked color, aroma, and flavor to products. Meat and poultry products containing such a substance are required to be labeled with the terms "Smoke Flavored" or "Smoke Flavoring Added." In 1968, the Department approved labeling for meat and poultry products bearing the term "smoked" which had been subjected to the traditional smoking process and which also contained the natural liquid smoke product.

At the present time, there are at least two general methods for applying the condensed liquid smoke, produced from the burning of wood, to meat and poultry. The first method involves spraying or dripping liquid smoke directly onto a heating element which instantly converts the liquid droplets into a gas. Meat and poultry products are then exposed to this smoke to acquire the usual smoked characteristics.

The second method involves the use of air pressure and jet nozzles which break the liquid smoke into minute droplets so they are suspended in the air much like atmospheric fog. Meat and poultry products are exposed to this treatment to take on the usual smoke characteristics.

An initial evaluation led the Department to conclude that meat and poultry products exposed to the smoke vapor produced by the first method could be labeled "smoked" while that treated by the second method could not. The Department's evaluation was heavily influenced by the traditional considerations that the term "smoked" carried a connotation

that a particular process of exposing meat or poultry to "smoke" (in a gaseous phase) was used, and that, as a result of such exposure, the meat or poultry product acquired the usual smoked characteristics. Subsequent discussions on this matter resulted in the realization that there are variances in opinions on the subject, and this has led to the need for publication of this notice.

In connection with the use of liquid smoke, there are at least two other issues which the public should be aware of and have an opportunity to consider prior to offering comment. First, employing any of the methods using natural liquid smoke may offer the processor some advantages as far as sanitation of the smoking facilities is concerned. This reportedly is due to the absence of many of the tars from the liquid smoke. The second advantage involves environmental considerations, since there supposedly is less evacuation of pollutants into the atmosphere than with the natural wood burning processes. This latter advantage has gained particular attention in municipalities having strict ordinances on air pollution.

Therefore, in view of all these considerations, the Department is soliciting public comments with respect to the meaning of the term "smoked" when used on the labeling of meat and poultry products. Specifically, we invite answers to the following questions:

Shall the term "smoked" be limited to use in labeling for those products which:

1. Were exposed to natural smoke produced by the burning of wood, or
2. Were exposed to natural liquid smoke transformed into a dense fog-like atmosphere by mechanical means, or
3. Were exposed to natural liquid smoke transformed into a gas by the direct application of heat, or
4. Have the color and flavor characteristic of a smoked product regardless of how they are achieved, and

5. Shall the provisions under 2, 3, and 4 apply to application of artificial liquid smoke products as well without specific label declaration on the origin of the substance used to produce "smoke"?

Any person wishing to submit written data, views, or arguments concerning this matter may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Product Standards Staff, Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by June 29, 1976.

Any person desiring opportunity for oral presentation of views should address such request to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure would adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on April 23, 1976.

F. J. MULHERN,
Administrator, Animal and Plant
Health Inspection Service.

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(41 FR 18120-18121)

April 30, 1976

UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, DC 20250

MPI BULLETIN 76-79
5/17/76

ACTION BY: Inspectors in Charge, Food Inspectors, and Plant Management

INFORMATION FOR: Regional Directors, Area and Circuit Supervisory Personnel,
and Interested Parties

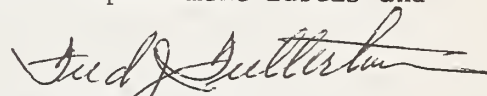
Label Declarations of Salt or Sodium Content

This bulletin is issued to clarify the policy of the Product Labels, Packaging, and Standards Staff in regard to label declarations of salt or sodium content.

Many product labels have claims such as "no salt added," "for sodium restricted diets," and "processed without salt for special dietary use." Since products with such claims are primarily formulated and marketed for individuals who wish to reduce their intake of sodium or who are on sodium restricted diets, the labels must bear according to 9 CFR 317.2(j)(2), 9 CFR 381.124 and 21 CFR 125.9 a statement of the amount of sodium present in the food. The amount must be expressed in multiples of 5 milligrams of sodium per 100 grams of food and per a specified serving of the food. If less than 10 milligrams of sodium are present per 100 grams and per serving, a statement to that effect should be made. The amount of sodium must be determined by laboratory analysis, the results of which are to be included when the label is submitted for approval. Also, a control procedure must be approved by the Systems Development and Sanitation Staff.

Label statements such as "no salt added," "processed without added salt," and similar statements are considered to denote the absence of common table salt and not the absence of other sodium salts. Accordingly, formulations of products with these label statements may not include salt or have ingredients which also contain salt such as hydrolyzed vegetable protein, vegetables with salt added, cheese, etc.

Some labels have been approved with such claims that do not contain the sodium declaration described. Inspectors at establishments with such approvals should advise the Product Labels, Packaging and Standards Staff of the approval numbers. Establishments should request approval for replacement labels and have them available for use by July 1, 1977.



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UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, D.C. 20250



MEAT AND POULTRY INSPECTION MANUAL

Maintenance Instructions

CHANGE: 76-5

May 1976

Remove Page	Insert Page	Numbered
33 thru 36	33 thru 36	76-5
47 and 48	47 and 48	76-5

Pen-and-Ink Changes

Page 127, bottom of page, cross off "The reverse of this page is intended to be blank."

Page 25, section 8.22 (c), line 21, correct the word "staphylococi" to "staphylococci."

Page 84, section 11.6 (v)(2)(i), line 10, change "to require" to "requiring."

Paper, used as a container lining, must not disintegrate when in contact with product. All paper adhering to frozen product shall be removed before product cutting.

Plastic, used as immediate container or in manufacture of such container, must not contain any material which may contaminate food product.

(1) Shovel

Shovel edges shall be kept smooth. They shall be ground as necessary to prevent debris accumulations and rolling edges from crumbling and falling into product.

Ice shovels shall be constructed to facilitate maintenance and sanitation. Wooden handles are unacceptable since they absorb moisture, support bacterial growth, and shed splinters onto product.

All shovels used for edible product or ice shall be kept off the floor. Shovels used for inedible product shall be identified.

(m) Bottles

Glass bottles other than product containers are not permitted in operating departments.

(n) Window Panes

Broken or cracked window panes shall be replaced promptly.

* (o) Pallets

* Structurally acceptable and clean
* pallets of approved material--metal,
* plastic, wood, etc.--may be used for
* temporary in-plant storage of pack-
* aged or properly protected unpackaged
* product, and for transfer of packaged
* product. Wood pallets shall not be
* used in lieu of operating equipment
* (tables, stands, storage racks, etc.)
* or for product defrosting, nor shall
* they contribute to unsanitary condi-
* tions or result in product contamina-
* tion.

8.32 MAGNETIC TRAPS

They may be used for removing iron particles from chopped product; however, they shall not be used as substitute for inspection procedures.

8.33 CAR, TRUCK, TRAILER

Product shall be loaded only in suitable and clean cars, trucks, or trailers. As a minimum requirement, vehicles shall protect product from weather and road contamination, and shall be free of objectionable odors and foreign materials--meat and fat particles, grease, trash, dust, etc. Vehicles hauling exposed product have the requirements of immediate containers. All interior surfaces must be clean and intact. Closed doors must produce a dust-proof seal.

8.34 CONTAINER

(a) Immediate Container

It may be of acceptable cloth, cardboard, paperboard, metal, wood, glass, plastic or a combination.

(1) Truck, gondola. Properly closed and sealed metal trucks or gondolas may be used for shipping product between official plants and approved warehouses.

(2) Cardboard combo-bins. These or similar large containers--strong enough to withstand distortion during handling or product shipping--may be used as above and for intraplant purposes. Reuse of these containers shall be based on criteria in section 8.34(c)(3).

Large cardboard containers, used for product identity (Part 18) or when required to prevent product contamination, shall be covered by an overlapping lid of same material as the container, or by a heavy gauge poly-bag liner at the top and a plastic cover--of at least the same strength--placed

over the container and securely fastened to the sides.

(b) Metal Container

(1) Drum. Drums coated on inner surface with lacquer or resin may be used for rendered fats if coating is smooth, odorless, hard, does not peel or blister, and is approved by STS-CH.

Such approval is given only to manufacturer after submitting a statement showing chemical composition, intended use, application method, reaction to water and fat, etc.

Steel drums may be used as containers for (meat) products other than edible rendered fats, provided they are:

1. Used as shipping containers only.
2. Free of debris, rust, corrosion, and galvanized.
3. Reasonably free of dents and distortions, and with tight seams.

4. Lined with a water-tight bag of approved plastic at least 2 mils thick, and cleaned (inside and out) before liner insertion.

(2) Used Drum. Steel drums (used for edible rendered fat) may be reconditioned without prior inspection; however, they must be carefully examined by the inspector before use to determine whether former contents have been removed, galvanizing or lining is intact, inner surface is free of dents, cracks, etc.

Acceptability of steel drums as product containers can be determined by examining them for cleanliness and absence of possible contamination sources.

Acceptability of inner surface coating can be determined by submitting to STS-CH name of material used and name and address of firm that applied the coating.

(3) 30-Pound Tin Can. Standard 30-pound cans with fitted covers are acceptable for packing unrendered (poultry) fat after chilled to 40° F.

(c) Wooden Container

(1) Slack barrels. These and similar containers shall be carefully examined for wooden splinters, and shall be lined with suitable material.

In opening slack barrels and similar containers, product contamination by nails and wooden splinters must be prevented.

In opening burlap or muslin-covered slack barrels, cloth covering shall be completely removed before puncturing the paper under the cloth.

(2) Boxes, crates. Fiberboard boxes of sufficient strength, properly lined wooden crates, or wirebound boxes may be used as product containers.

Wirebound boxes are unacceptable as immediate containers for unrendered (poultry) fat.

(3) Used wooden or fiberboard containers. They may be reused as edible product containers provided they are:

a. Structurally acceptable, clean, and free from contaminants--splinters, stains, odors, fat and meat particles, dust, etc.

b. Carefully checked by plant employee before use and, if unacceptable, rejected and destroyed promptly.

c. Properly stored in an area approved by inspector in charge.

d. Lined with suitable material and labeled as required by regulations. Nonapplicable labeling or printing must be removed or covered by masking paint.

Exception. Containers provided by customers for their own product are exempt from these requirements if they are clean and properly lined to protect the product.

When above requirements are not met, reuse of such containers shall be discontinued.

For additional protection, paraffined paper cups may be used for closing barrel or tierce bungholes.

Containers reconditioned before receipt at the plant are unacceptable, since it would be difficult to determine whether their former contents rendered them unfit for edible product use.

(4) Curing vats. Wooden curing vats shall be carefully examined and reconditioned, if necessary.

After emptying, vats shall be flushed and removed from curing departments. All splinters, blisters, splinters, and badly discolored wood shall be removed. Vats shall be sanded to a smooth, clean finish. Rusted hoops shall be replaced.

After inner and outer surfaces have been smoothed, vats shall be washed with water and steam. To prevent contaminating outer surfaces, vats should be returned to curing departments on suitable trucks, and not be rolled over the floor.

(d) Waste Containers

Suitable containers shall be provided for trash and similar wastes. They shall be emptied frequently to avoid trash accumulations.

Refuse containers shall be smooth and of impervious and rust-resistant material. To prevent offensive odors and vermin, they must be thoroughly cleaned before returning to edible product departments and after each day's use. Cleaning should be done in refuse rooms.

Perforated barrels may be used for holding feathers until loaded on trucks and removed from the plant. Also, trucks may be used for feathers directly conveyed from poultry dressing rooms, provided truck apron and/or dock areas are satisfactorily paved and sloped to drains.

(e) Emptying Certain Containers

Cloth, paper, or similar containers shall be emptied so that lint or dirt (from outer surface) does not contaminate product.

CHEMICAL COMPOUNDS

Subpart 8-F

(Regs: M-318; P-Subpart H)

8.37 APPROVED CHEMICALS

(a) Use

Only approved and properly labeled chemical compounds shall be used. See "List of Chemical Compounds Authorized for Use under USDA Poultry, Meat, Rabbit, and Egg Products Inspection Programs."

(b) Identification

All approved materials shall be identified by a system acceptable to the circuit supervisor.

(c) Plant's Responsibility

Plant management is responsible for notifying the inspector in charge upon receiving a chemical compound into the plant.

(d) Inspector's Responsibility

When a chemical compound is delivered to the plant, the inspector must determine its acceptability, and must assure that it is used for intended purpose.

8.38 UNACCEPTABLE COMPOUNDS

Approval by STS-SS for a material chemically satisfactory is granted, provided it is acceptable when used. If a material disintegrates, has an odor, transfers color to product, or results in an objectionable condition, it is unacceptable even though originally approved. In this case, determination can be made at plant level only and the inspector must make the final decision and notify STS-SS.

If there is any doubt about a material listed in the "List of Chemical Compounds," a sample should be sent to Scientific Services, USDA, Box 348, Beltsville, Maryland 20705.

8.39 UNLISTED MATERIAL

(a) Approval Letter

Materials not listed in the "List of Chemical Compounds" shall be rejected, unless the establishment or seller has an "approval letter" from STS-SS, dated after the current publication. Such letter permits use of accepted materials during publication's revision.

Approval letters shall be filed in the inspector's office until the compound is published in the authorized publication.

(b) Paint, Lubricant, etc.

Certain materials--paints, lubricants, and other than chemical food additives--are not categorized in the "List of Chemical Compounds," but may be used if the establishment or seller has an approval letter. If such letter is not available or there is doubt about a compound, the inspector must submit a sample to STS-SS.

(c) Approval Request

The "List of Chemical Compounds" contains appropriate procedure to be followed when requesting approval for a material or chemical.

8.40 VOLATILE CHEMICALS

Chemicals and oils with pronounced odor shall not be used where edible products are handled, processed, or stored. Approved compounds may be used in dressing and rest rooms, and in inedible product rooms not opening directly into edible product departments.

Odor-masking compounds are not allowed for disguising insanitary conditions.

8.41 SANITIZING MATERIAL

Chemical solutions used to reduce surface bacteria are known as "sanitizing agents." Since their effectiveness is greater on clean surfaces, facilities and equipment should be thoroughly cleaned before application. Product must be removed from the area or be adequately protected.

Warning! Dry chemicals or concentrated solutions are extremely irritating to mucous membranes. Avoid contact with eyes or nasal passages.

Preparations of quaternary ammonium compounds and those of high available chlorine content--sodium or calcium hypochlorite, chloramine T, dichloramine T and chlorinated cyanuric acid--may cause fire if mixed or stored together..

Information on authorized sanitizing materials and their concentrations may be found in the "List of Chemical Compounds."

8.42 FREEZING SOLUTION

Brine solutions may have sodium chloride (salt) and/or calcium chloride. Solutions other than brine solutions may have chemicals such as propylene glycol. If such solutions are considered for use, management shall furnish STS-SS with:

1. Name and percent of each chemical.
2. Packaging type used before freezing.
3. Whether or not freezing equipment has adequate spray washing facilities for washing packaged products after freezing and before placing into shipping containers.
4. Any information on procedure and equipment that may help determine the freezing solution's acceptability.

Products must be packaged in impervious bags before being chilled or frozen in a system using these chemical solutions.

treatment in separate, identified facilities. Following recovery, they may be reexamined by an MPI veterinarian. If normal, they may be passed for slaughter.

(b) Poultry

Condemned poultry shall be humanely slaughtered. A suggested method is pulling the head downward and sharply backward, leaving the skin intact. This results in separation of the first neck joint, spinal cord, and blood vessels. Floor and equipment contamination should be avoided.

Condemned birds must be counted, weighed, and reported on MP Form 514, Poultry Inspection, Lot Tally Sheet.

9.16 DOA'S

Dead-on-arrival (DOA) carcasses shall be identified and disposed of as required by the regulations and Part 14 of this Manual.

Livestock DOA'S shall be tagged "U.S. Condemned."

Poultry DOA'S shall be identified, counted, weighed, and the number reported on MP Form 514.

9.17 ABNORMALITIES; DISEASES

(a) Livestock

* (1) Downers. All downers, including
* those showing signs of trauma, shall be
* examined by an MPI veterinarian. Nature
* and extent of the examination shall be
* sufficient to determine whether they
* should be condemned, passed for immediate slaughter as suspects, or held for
* further observation. Carcass disposition for those passed for slaughter
* shall be based on ante- and post-mortem
* findings and, when necessary, on laboratory results.

(2) Emergency Slaughter. Sick, dying, or animals treated with a drug or chemical and presented for slaughter before the required withdrawal period are not

covered by the emergency slaughter provisions in the regulations (M-311.27).

(3) Abnormal calves. Immature, diseased, weak, and uncoordinated calves must not be slaughtered for human food.

(4) Eye missing. Any bovine with an eye or associated structure missing shall be handled as suspect.

(5) Escaped animals; control. Tranquilizers are not approved for use on livestock destined to slaughter. If a tranquilizer was used, the veterinary medical officer will consult STS-RP through channels for handling and disposition of involved animal(s).

(6) Proteolytic enzyme. Only normal cattle can be injected with an enzyme solution.

Treated animals must be slaughtered between 2 to 30 minutes after injections.

Cattle showing any injection reaction--salivation, incoordination, dyspnea, blood tinged froth at the nose and/or mouth, edema and/or hyperemia of the throat area, etc.--shall be examined by an MPI veterinarian. Upon recovery, such animals may be released for slaughter.

(7) Brucellosis reactors. Identity of these animals must be maintained. Any information, including animal's disposition, shall be recorded and sent to Federal and State Agencies responsible for disease control and eradication.

To minimize the risks associated with exposure to such animals, the inspector should take the following precautions:

a. Encourage the establishment to segregate and handle brucellosis reactors as separate lot(s).

b. Avoid cuts and their contamination (hand washing, prompt first aid, etc.). Use care in making necessary incisions.

c. Avoid contamination of eyes with body fluids of carcasses and unnecessary contact with most likely infected tissues.

d. Unless necessary for carcass disposition, do not incise pelvic viscera, mammary glands, and the supramammary, inguinal, and iliac lymph nodes.

e. Obtain prompt medical evaluation of any febrile illness and inform the physician of possible exposure to brucella organisms.

(8) **Tuberculosis reactor, suspect, exposed.** Before ante-mortem inspection is performed, the animal must be identified by establishment personnel as a "reactor," "suspect," or "exposed." This information is on accompanying VS Form 1-27 or similar form. To maintain control over infected herds, some "exposed" animals may be identified with a reactor tag and/or "T" brand.

The reactor number on the metal ear tag should be recorded. Animals without tag, but otherwise identified, should be described by recording data such as color, breed, sex, horns, estimated weight, brand marks, etc.

Condemned or DOA animals shall be given a complete post-mortem examination in the inedible department.

(9) **Hyperimmune horses.** Horses hyperimmunized against human pathogenic microorganisms--meningococci, streptococci, etc.--and those used for producing gas gangrene, tetanus, or diphtheria anti-toxins must not be slaughtered for human or animal consumption.

(10) **CNS disorders.** Animals with central nervous system disorders--depression, drowsiness, weakness, coma, licking, staggering, circling, muscular tremors, etc.--shall be condemned. Such signs could be indicative of sporadic bovine encephalomyelitis, infectious thromboembolic meningo-encephalitis, and various poisonings (metal, salt, plant, fluorine, pesticide, etc.).

(11) **Rabies.** Animals showing symptoms of rabies must be condemned.

Animals bitten by a rabid animal must not be slaughtered for food purpose for at least 8 months.

(12) **Vesicular diseases.** Animals with a vesicular condition must be held and reported immediately (by telephone) to nearest VS office.

Federal and State officials of animal disease control will make the final diagnosis and instruct on disposition and facility disinfection.

(13) **Myiasis.** Animals with wounds infested with maggots must be segregated and maggot specimens taken to identify possible screwworm infestation (21.4(e)).

(b) **Livestock-Poultry**

Research animals. Experimental or research animals shall not be slaughtered unless authorized by FO, Washington, D.C.

(1) **Drug withdrawal.** Animals that received a drug or chemical and are presented for slaughter before the required withdrawal period is completed must be withheld from slaughter until such period elapses.

(2) **Poisoning (drug, chemical).** Animals with drug or chemical poisoning signs shall be withheld from slaughter.

Regional Director and FO shall be immediately notified as to history and number of animals, signs, and other pertinent information.

(c) **Poultry Reportable Diseases**

(1) **Report.** In case of a suspected reportable disease, inspector in charge shall (1) immediately notify plant management, (2) obtain flock's history, and (3) inform (by telephone through area supervisor) appropriate Federal and State officials.

(2) **Slaughter suspension.** When a flock slaughter is initiated and



UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, D. C. 20250



MEAT AND POULTRY INSPECTION REGULATIONS

CHANGE: 76-5

May 1976

MAINTENANCE INSTRUCTIONS

Remove Page	Insert Page	Numbered
SUBCHAPTER A - MANDATORY MEAT INSPECTION		
vii	vii	76-5
viii	viii	76-5

xi	xi	76-5
xii	xii	76-5

19	19	76-5
20	20	76-5

20a	20a	76-5

93	93	76-5
94	94	76-5

135	135	76-5
136	136	76-5

	136a	76-5
	136b	76-5

144	144	76-5
144a	144a	76-5

171	171	76-5
172	172	76-5

173	173	76-5
174	174	76-5

175	175	76-5
176	176	76-5

193	193	76-5
194	194	76-5

201	201	76-5
202	202	76-5

Remove Page	Insert Page	Numbered
SUBCHAPTER C - MANDATORY POULTRY PRODUCTS INSPECTION		
23	23	76-5
24	24	76-5

24a	24a	76-5

PEN-AND-INK CHANGE:

On page 89 of the meat inspection regulations, second line of § 317.8(b)(15), the word "of" should be "in."

- 317.10 Reuse of official inspection marks; reuse of containers bearing official marks, labels, etc.
- 317.11 Labeling, filling of containers, handling of labeled products to be only in compliance with regulations.
- 317.12 Relabeling products; requirements.
- 317.13 Storage and distribution of labels and containers bearing official marks.
- 317.14 Reporting of obsolete labels.
- 317.15 [Reserved]
- 317.16 Labeling and containers of custom prepared products.
- 317.17 Interpretation and statement of labeling policy for cured products.
- * 317.18 [Reserved] *
- 317.19 Jar closures requirements.

PART 318-ENTRY INTO OFFICIAL ESTABLISHMENTS:
REINSPECTION AND PREPARATION OF PRODUCTS

Sec.

- 318.1 Products and other articles entering official establishments.
- 318.2 Reinspection, retention, and disposal of meat and poultry products at official establishments.
- 318.3 Designation of places of receipt of products and other articles for reinspection.
- 318.4 Preparation of products to be officially supervised; responsibilities of official establishments.
- 318.5 Requirements concerning procedures.
- 318.6 Requirements concerning ingredients and other articles used in preparation of products.
- 318.7 Approval of substances for use in the preparation of products.
- 318.8 Preservatives and other substances permitted in product for export only; handling; such product not to be used for domestic food purposes.
- 318.9 Samples of products, water, dyes, chemicals, etc., to be taken for examination.
- 318.10 Prescribed treatment of pork and products containing pork to destroy trichinae.
- 318.11 Canning with heat processing and hermetically sealed containers: cleaning containers; closure; code marking; heat processing; incubation.
- 318.12 Manufacture of dog food or similar uninspected article at official establishments.
- 318.13 Mixtures containing product but not amenable to the Act.
- 318.14 Adulteration of product by polluted water, etc.; procedure for handling.
- 318.15 Tagging chemicals, preservatives, cereals, spices, etc., "U.S. retained."
- 318.16 Pesticide chemicals and other residues in products.

PART 319-DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

Subpart A--General

Sec.

- 319.1 Labeling and preparation of standardized products.
- * 319.3 Mechanically deboned and low temperature rendered meats. *

Subpart B--Raw Meat Products

- 319.15 Miscellaneous beef products.
- 319.29 Miscellaneous pork products.

Subpart C--Cooked Meats

- 319.80 Barbecued meats.
- 319.81 Roast beef parboiled and steam roasted.

Subpart D--Cured Meats, Unsmoked and Smoked

- 319.100 Corned beef.
- 319.101 Corned beef brisket.
- 319.102 Corned beef round and other corned beef cuts.
- 319.103 Cured beef tongue.
- 319.104 Cured pork products, unsmoked or smoked.
- 319.105 Chopped ham.

Subpart E--Sausage Generally: Fresh Sausage

- 319.140 Sausage.
- 319.141 Fresh Pork sausage.
- 319.142 Fresh Beef sausage.
- 319.143 Breakfast sausage.
- 319.144 Whole hog sausage.

Subpart F--Uncooked, Smoked Sausage

- 319.160 Smoked pork sausage.

Subpart G--Cooked Sausage

- 319.180 Frankfurter, wiener, vienna, bologna, garlic bologna, knockwurst, and similar products.
- 319.181 Cheesefurters and similar products.
- 319.200 Liver sausage and similar products.

Subpart H--[Reserved]

Subpart I--Semi-Dry Fermented Sausage
[Reserved]

Subpart J--Dry Fermented Sausage
[Reserved]

Subpart K--Luncheon Meat, Loaves and Jellied Products

- 319.260 Luncheon meat.
- 319.261 Meat loaf.

- 325.2 Parcel post and ferries deemed carriers.
- 325.3 Product transported within the United States as part of export movement.
- 325.4 U.S. inspected, passed, and marked product; certificate.
- 325.5 Unmarked inspected product transported under official seal between official establishments for further processing; certificate.
- 325.6 Shipment of paunches between official establishments under official seal; certificate.
- 325.7 Shipment of products requiring special supervision between official establishments under official seal; certificate.
- 325.8 Transportation of certain undenatured lungs or lung lobes from official establishments or in commerce; provisions and restrictions.
- 325.9 [Reserved]
- 325.10 Returned products: certificate; permit; and other requirements.
- 325.11 Inedible articles: denaturing and other means of identification; certificate; exceptions.
- 325.13 Denaturing procedures.
- 325.14 Certificates, retention by carrier.
- 325.15 Evidence of proper certification required on waybills; transfer bills, etc., for shipment by connecting carrier; forms of statement.
- 325.16 Official seals; form, use, and breaking.
- 325.17 Loading or unloading products in sealed railroad cars, trucks, etc., en route prohibited; exception.
- 325.18 Diverting of shipments, breaking of seals, and reloading by carrier in emergency; reporting to Administrator.
- 325.19 Provisions inapplicable to specimens for laboratory examination, etc., or to naturally inedible articles.
- 325.20 Transportation and other transactions concerning dead, dying, disabled, or diseased livestock, and parts of carcasses of livestock that died otherwise than by slaughter.
- 325.21 Means of conveyance in which dead, dying, disabled, or diseased livestock and parts of carcasses thereof shall be transported.

PART 327-IMPORTED PRODUCTS

Sec.

- 327.1 Application of provisions.
- 327.2 Eligibility of foreign countries for importation of products into the United States.
- 327.3 No product to be imported without compliance with applicable regulations.
- 327.4 Imported products; foreign certificates required.
- 327.5 Importer to make application for inspection; information required.
- 327.6 Import products; Program inspection; time and place.
- 327.7 Products for importation; movement prior to inspection: sealing; handling; bond; assistance.
- 327.8 Import products; equipment and means of conveyance used in handling to be maintained in sanitary condition.
- 327.9 Burlap wrapping for foreign meat.
- 327.10 Samples; inspection of consignments; refusal of entry; marking.

- 327.11 Receipts to importers for import product samples.
- 327.12 Foreign canned or packaged products bearing trade labels; sampling and inspection.
- 327.13 Foreign products offered for importation; reporting of findings to customs; handling of articles refused entry.
- 327.14 Marking of products and labeling of immediate containers thereof for importation.
- 327.15 Outside containers of foreign products; marking and labeling; application of official inspection legend.
- 327.16 Small importations for importer's own consumption; requirements.
- 327.17 Returned United States inspected and marked products.
- 327.18 Imported products to be handled and transported as domestic; entry into official establishments; exception.
- 327.19 Specimens for laboratory examination and similar purposes.
- 327.20 Importation of foreign inedible fats.
- 327.21 Special inspection procedures for chilled, fresh or frozen boneless manufacturing meat.
- 327.22 Official import meat inspection marks and seals.

PART 329--DETENTION; SEIZURE AND CONDEMNATION; CRIMINAL OFFENSES

Sec.

- 329.1 Article or livestock subject to administrative detention.
- 329.2 Method of detention; form of detention tag.
- 329.3 Notification of detention to the owner of the article or livestock detained, or his agent, or person having custody.
- 329.4 Notification of governmental authorities having jurisdiction over article or livestock detained; form of written notification.
- 329.5 Movement of article or livestock detained; removal of official marks.
- 329.6 Articles or livestock subject to judicial seizure and condemnation.
- 329.7 Procedure for seizure, condemnation, and disposition.
- 329.8 Authority for condemnation or seizure under other provisions of law.
- 329.9 Criminal offenses.

PART 330 [RESERVED]

PART 331--SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Sec.

- 331.1 Definition of "State."
- 331.2 Designation of States under paragraph 301(c) of the Act.
- 331.3 States designated under paragraph 301(c) of the Act; application of regulations.
- 331.4 Control and disposal of non-federally-inspected products in States designated under paragraph 301(c) of the Act.
- 331.5 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of products; application of regulations.
- 331.6 Designation of States under section 205 of the Act; application of sections of the Act and the regulations.

PART 335 [RESERVED]

trucks or receptacles to be marked in a conspicuous manner with the phrase "U.S. condemned" in letters not less than 2 inches high, and, when required by the circuit supervisor, to be equipped with facilities for locking or sealing;

(f) Adequate arrangements, including liquid soap and cleansers, for cleansing and disinfecting hands, for sterilizing all implements used in dressing diseased carcasses, floors, and such other articles and places as may be contaminated by diseased carcasses or otherwise;

(g) In establishments in which slaughtering is done, rooms, compartments, or specially prepared open places, to be known as "final inspection places," at which the final inspection of retained carcasses may be conducted (competent assistants for handling retained carcasses and parts shall be provided by the establishment; final inspection places shall be adequate in size and their rail arrangement and other equipment shall be sufficient to prevent carcasses and parts passed for food or cooking, from being contaminated by contact with condemned carcasses or parts; they shall be equipped with hot water, lavatory, sterilizer, tables, and other equipment required for ready, efficient, and sanitary conduct of the inspection; the floors shall be of such construction as to facilitate the maintenance of sanitary conditions and shall have proper drainage connections and when the final inspection place is part of a larger floor, it shall be separated from the rest of the floor by a curb, railing, or otherwise);

(h) Retention rooms, cages, or other compartments, and receptacles in which carcasses and product may be held for further inspection (these shall be in such number and in such locations as the needs of the inspection in the establishment may require; they shall be equipped for secure locking or sealing and shall be held under locks or official seals furnished by the Department; the keys of such locks shall not leave the custody of Program employees. Every such room, compartment, or receptacle shall be marked conspicuously with the phrase "U.S. retained" in letters not less than 2 inches high; rooms or compartments for these purposes shall be secure and susceptible of being kept clean, including a sanitary disposal of the floor liquids; establishment employees shall not enter any retention rooms or compartments or open any retention receptacles unless authorized by Program employees);

(i) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles in accordance with the regulations in this subchapter (tanks or other rendering equipment which, under the regulations in this subchapter, must be sealed, shall be properly equipped for sealing as specified by the regulations in Part 314 of this subchapter or by the circuit supervisor in specific cases);

(j) Docks and receiving rooms, to be designated by the operator of the official establishment, with the circuit supervisor, for the receipt and inspection of all products as provided in § 318.3 of this subchapter;

(k) Suitable lockers in which brands bearing the official inspection legend and other official devices (excluding labels) and official certificates shall be kept when not in use (all such lockers shall be equipped for sealing or locking with locks or seals to be supplied by the Department; the keys of such locks shall not leave the custody of Program employees);

(l) Sanitary facilities and accommodations as prescribed by § 308.4 of this subchapter.

§ 307.3 Inspectors to furnish implements and maintain hands and implements in sanitary condition.

Inspectors shall furnish their own work clothing and implements, such as flashlights and triers, for conducting inspection and shall cleanse their hands and implements as prescribed by § 308.8 of this subchapter.

§ 307.4 Schedule of operations.

(a) No operations requiring inspection shall be conducted except under the supervision of a Program employee. All slaughtering of animals and preparation of products shall be done with reasonable speed, considering the official establishment's facilities.

(b) A shift is a regularly scheduled operating period, exclusive of mealtime. One lunch period is the only official authorized interruption in the inspector's tour of duty once it begins. Lunch periods may be 30 minutes, 45 minutes, or in any case may not exceed one hour in duration. Once established, the lunch period must remain relatively constant as to time and duration. Lunch periods for inspectors shall not, except as provided herein, occur prior to 4 hours after the beginning of scheduled operations nor later than 5 hours after operations begin. In plants where a company rest break of not less than 30 minutes is regularly observed, approximately midpoint between start of work and the lunch period, and the inspector is allowed this time to meet his personal needs, the lunch period may be scheduled as long as 5 1/2 hours after the beginning of scheduled operations.

(c) Official establishments, importers, and exporters shall be provided inspection service, without charge, up to 8 consecutive hours per shift during the basic workweek subject to the provisions of § 307.5: Provided, That any additional shifts meet requirements as determined by the Administrator or his designee. The basic workweek shall consist of five consecutive 8-hour days Monday through Friday, excluding the lunch period; except those plants presently operating on an approved Tuesday through Saturday schedule shall continue on this schedule until such time as a change in ownership occurs, or they request and are granted a Monday through Friday work schedule; and further, except in the designation of State programs, the Department may depart from the Monday to Friday workweek in those cases where it would seriously handicap the Department in carrying out its function.

(d) (1) Each official establishment shall submit a work schedule to the area supervisor for approval. In consideration of whether the approval of an establishment work schedule shall be given, the area supervisor shall take into account the efficient and effective use of inspection personnel. The work schedule must specify daily clock hours of operation and lunch periods for all departments of the establishment requiring inspection.

* (2) Establishments shall maintain consistent work schedules. Any request* by an establishment for a change in its work schedule involving an addition or elimination of shifts shall be submitted to the area supervisor at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved: Provided, however, minor deviations from a daily operating schedule may be approved by the inspector in charge, if such request is received on the day preceding the day of change.

* (3) Requests for inspection service outside an approved work schedule * shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when

such a request will result in overtime service at the start of the following day: Provided, That an inspector may be recalled to his assignment after completion of his daily tour of duty under the provisions of §307.6(b).

§ 307.5 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Animal and Plant Health Inspection Service \$12.40 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday as specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

*
*
*

(b) Holidays for Federal employees shall be New Year's Day, January 1; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans' Day, the fourth Monday in October; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25. When any of the above-listed holidays falls outside the basic workweek, the nearest workday within that week shall become a holiday.

§307.6 Basis of billing for overtime and holiday services.

(a) Each recipient of overtime or holiday inspection service, or both, shall be billed, at the rate established in § 307.5(a), in increments of quarter hours. For billing purposes, 8 or more minutes shall be considered a full quarter hour. Billing will be for each quarter hour service rendered by each Program employee.

(b) Official establishments, importers, or exporters requesting and receiving the services of a Program employee after he has completed his day's assignment and left the premises, or called back to duty during any overtime or holiday period, shall be billed for a minimum of 2 hours overtime or holiday inspection service at the established rate.

(c) Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime or holiday inspection will not be performed for anyone having a delinquent account.

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§ 317.13 Storage and distribution of labels and containers bearing official marks.

Labels, wrappers, and containers bearing any official marks, with or without the establishment number, may be transported from one official establishment to any other official establishment provided such shipments are made with the prior authorization of the inspector in charge at point of origin, who will notify the inspector in charge at destination concerning the date of shipment, quantity, and type of labeling material involved. No such material shall be used at the establishment to which it is shipped unless such use conforms with the requirements of this subchapter.

§ 317.14 Reporting of obsolete labels.

Once a year, or oftener if necessary, the operator of each official establishment shall submit to the Administrator in quadruplicate, a list of approved labels no longer used or a list of the documents issued by the Administrator approving the labels involved. The approved labels shall be identified by the approval number, the date of approval, and the name of the product, or other designation showing the class of labeling material.

§ 317.15 [Reserved]

§ 317.16 Labeling and containers of custom prepared products.

Products that are custom prepared under § 303.1(a)(2) of this subchapter must be packaged immediately after preparation and must be labeled (in lieu of information otherwise required by this Part 317) with the words "Not For Sale" in lettering not less than three-eighth inch in height. Such exempted custom prepared products or their containers may bear additional labeling provided such labeling is not false or misleading.

§ 317.17 Interpretation and statement of labeling policy for cured products.

With respect to sections 1(n) (7), (9), and (12) of the Act and § 317.2, any substance mixed with another substance to cure a product must be identified in the ingredients statement on the label of such product. For example, curing mixtures composed of such ingredients as water, salt, sugar, sodium phosphate, sodium nitrate, and sodium nitrite or other permitted substances which are added to any product, must be identified on the label of the product by listing each such ingredient in accordance with the provisions of § 317.2.

* § 317.18 [Reserved]

*

§ 317.19 Jar closures requirements.

Vacuum packed containers sealed with quick-twist, screw-on, or snap-on lids (or closures) shall not have an annular space between the inner edge of the lid's rim (lip or skirt) and the container itself or shall have such space sealed in a manner that will make it inaccessible to filth and insects.

NOTE: The new § 317.19 does not become effective until December 10, 1977.

PART 318-ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION
AND PREPARATION OF PRODUCTS

AUTHORITY: The provisions of this Part 318 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 318.1 Products and other articles entering official establishments.

(a) Except as otherwise provided in paragraphs (g) and (h) of this section or § 318.12, no product shall be brought into an official establishment unless it has been prepared only in an official establishment and previously inspected and passed by a Program employee, and is identified by an official inspection legend as so inspected and passed. Notwithstanding the foregoing provisions of this subparagraph, product imported in accordance with Part 327 of this subchapter and not prepared in the United States outside an official establishment, may enter any official establishment subject in other respects to the same restrictions as apply to domestic product. Products received in an official establishment during the Program employees absence shall be identified and maintained in a manner acceptable to such employee. Product entering any official establishment shall not be used or prepared thereat until it has been reinspected in accordance with § 318.2. Any product originally prepared at any official establishment may not be returned into any part of such establishment, except the receiving area approved under § 318.3, until it has been reinspected by the inspector.

(b) No slaughtered poultry or poultry product shall be brought into an official establishment unless it has been (1) previously inspected and passed and is identified as such in accordance with the requirements of the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) and the regulations thereunder, and has not been prepared other than in an establishment inspected under said Act, or (2) has been inspected and passed and is identified as such in accordance with the requirements of a State law.

(c) Every article for use as an ingredient in the preparation of meat food products, when entering any official establishment and at all times while it is in such establishment, shall bear a label showing the name of the article, the amount or percentage therein of any substances restricted by this part or Part 317 of this subchapter, and a list of ingredients in the article if composed of two or more ingredients: Provided, That in the case of articles received in tank car lots, only one such label shall be used to identify each lot. In addition, the label must show the name and address of the shipper.

(d) Containers of preparations which enter any official establishment for use in cooling or retort water, in hog scalding water, or in denuding of tripe shall at all times while they are in such establishment bear labels showing the chemical names of the chemicals in such preparations. In the case of any preparation containing any chemicals which are specifically limited by § 318.7(c)(4) as to amount permitted to be used, the labels on the containers shall also show the percentage of each such chemical in the preparation.

(e) Dyes, chemicals, or other substances the use of which is restricted to certain products may be brought into or kept in an official establishment

one-half of 1 percent available chlorine (5,000 parts per million or other equivalent disinfectant approved by the Administrator¹ shall be applied to the surface of the rooms and equipment and rinsed with potable water before use.

(c) Hermetically sealed containers of product which have been contaminated by polluted water shall be examined promptly by the official establishment under supervision of an inspector and rehandled as follows:

(1) Separate and condemn all product in damaged or extensively rusted containers.

(2) Remove paper labels and wash the remaining containers in warm soapy water, using a brush where necessary to remove rust or other foreign material. Disinfect these containers by either of the following methods:

(i) Immerse in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine or other equivalent disinfectant approved by the Administrator,¹ rinse in potable water, and dry thoroughly; or

(ii) Immerse in 212° F. water, bring temperature of the water back to 212° F. and maintain the temperature at 212° F. for 5 minutes, then remove containers from water and cool them to 95° F. and dry thoroughly.

(3) After handling as described in subparagraph (2) of this paragraph, the containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the product therein.

(4) The identity of the canned product shall be maintained throughout all stages of the rehandling operations to insure correct labeling of the containers.

§ 318.15 Tagging chemicals, preservatives, cereals, spices, etc., "U.S. retained."

When any chemical, preservative, cereal, spice, or other substance is intended for use in an official establishment, it shall be examined by a Program employee and if found to be unfit or otherwise unacceptable for the use intended, or if final decision regarding acceptance is deferred pending laboratory or other examination, the employee shall attach a "U.S. retained" tag to the substance or container thereof. The substance so tagged shall be kept separate from other substances as the circuit supervisor may require and shall not be used until the tag is removed, and such removal shall be made only by a Program employee after a finding that the substance can be accepted, or, in the case of an unacceptable substance, when it is removed from the establishment.

§ 318.16 Pesticide chemicals and other residues in products.

(a) Nonmeat ingredients. Residues of pesticide chemicals, food additives and color additives or other substances in or on ingredients (other than meat, meat byproducts, and meat food products) used in the formulation of products

¹ A list of approved disinfectants is available upon request to Scientific Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

shall not exceed the levels permitted under the Federal Food, Drug, and Cosmetic Act, and such nonmeat ingredients must otherwise be in compliance with the requirements under that Act.

(b) Products, and meat, meat byproduct, or other meat food product ingredients. Products, and products used as ingredients of products, shall not bear or contain any pesticide chemical, food additives, or color additive residue in excess of the level permitted under the Federal Food, Drug, and Cosmetic Act and the regulations in this subchapter, or any other substance that is prohibited by such regulations or that otherwise makes the products adulterated.

(c) Standards and procedures. Instructions specifying the standards and procedures for determining when ingredients of finished products are in compliance with this section shall be issued to the inspectors by the Administrator. Copies of such instructions will be made available to interested persons upon request made to the Administrator.

PART 319-DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

AUTHORITY: The provisions of this Part 319 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

Subpart A-General

§ 319.1 Labeling and preparation of standardized products.

Labels for products for which standards of identity or composition are prescribed in this part shall show the appropriate product name, an ingredient statement, and other label information in accordance with the special provisions, if any, in this part, and otherwise in accordance with the general labeling provisions in Part 317 of this subchapter, and such products shall be prepared in accordance with the special provisions, if any, in this part and otherwise in accordance with the general provisions in this subchapter. Any product for which there is a common or usual name must consist of ingredients and be prepared by the use of procedures common or usual to such products insofar as specific ingredients or procedures are not prescribed or prohibited by the provisions of this subchapter.

* § 319.3 Mechanically deboned and low temperature rendered meats. *

* (a) Mechanically deboned meat, mechanically deboned meat for processing, *
* and mechanically deboned meat for rendering are those products resulting from *
* the sanitary, mechanical separation of meat from bone by approved machinery *
* and conforming to the parameters contained in Table 1, at end of this section. *

* (b) Low temperature rendered meat and low temperature rendered meat for *
* processing are the products resulting from the sanitary low temperature (120° *
* F. or less) rendering of meat tissue by approved machinery, and conforming to *
* the parameters contained in Table 2, at end of this section. *

* (c) The maximum use levels of products defined in § 319.3 (a) and (b) *
* are as follows: *

* (1) Mechanically deboned meat, low temperature rendered meat, or any *
 * combination thereof shall be limited to a maximum of 20 percent of the meat or *
 * meat and meat byproducts content of formulated products. *

* (2) Mechanically deboned meat for processing, low temperature rendered *
 * meat for processing, or any combination thereof shall be limited to 15 *
 * percent of the meat or meat and meat products content of formulated products. *

* (3) Any combination of products specified in subparagraphs (c)(1) and *
 * (c)(2) shall be limited to 15 percent of the meat or meat and meat byproducts *
 * content of formulated products. *

* (4) Mechanically deboned meat for rendering as such may not be used in *
 * any formulated meat product. After rendering so that it meets the respective *
 * standard, it may be used as low temperature rendered meat or low temperature *
 * rendered meat for processing. *

* (d) Products defined in §§ 319.3(a) and 319.3(b) may be used in any *
 * formulated product except hamburger, ground beef, fabricated steaks and *
 * products traditionally prepared with larger pieces of meat such as "beef and *
 * gravy," "lamb stew," and "pork and dressing," and may be identified in the *
 * labeling by the species name, e.g., beef, pork, etc. *

* (e) In preparing product defined in §§ 319.3(a) and 319.3(b), the *
 * establishment operator shall: *

* (1) Apply for label approval listing equipment and processing procedures, *

* (2) Develop a quality assurance system to control product compliance, *

* and *

* (3) Obtain approval of the quality assurance system from the Department¹ *

* prior to starting operations. *

* (f) The Department will conduct sampling, analytical, and inspection *

* procedures to confirm accuracy of establishment results and assure product *

* compliance. *

¹ Such approval may be requested from the Systems Development and Sanitation Staff, Technical Services, Meat and Poultry Inspection Program, 14th and Independence Avenue, SW., Washington, D.C. 20250.

TABLE 1--Mechanically deboned products

Product	Protein minimum (percent)	PER ^{3/} minimum	or	Essential ^{1/3/} amino acids minimum (percent)	Fat maximum (percent)	Calcium maximum (percent)
Mechanically deboned meat.....	14	2.5 ^{4/}		32 ^{2/}	30	0.5
Mechanically deboned meat for processing..	10	2.5 ^{4/}		32 ^{2/}	60	0.75
Mechanically deboned ^{5/} meat for rendering.....						

TABLE 2--Low temperature rendered products

Product	Protein minimum (percent)	PER ^{3/} minimum	or	Essential ^{1/3/} amino acids minimum (percent)	Fat maximum (percent)	Calcium maximum (percent)
Low temperature rendered meat.....	15	2.5 ^{4/}		32 ^{2/}	20	0.5
Low temperature rendered meat for processing.....	20	2.0 ^{4/}		27 ^{2/}	20	0.5

^{1/} As a percent of total protein.

^{2/} Exclusive of tryptophane, but including phenylalanine, isoleucine, leucine, lysine, methionine, valine, and threonine.

^{3/} PER may be calculated from the following equations in lieu of PER determination or percent essential amino acids.

1. $PER = 0.456 (\text{leucine}) - 0.047 (\text{proline}) - 0.684$

2. $PER = 0.435 (\text{methionine}) + 0.780 (\text{leucine}) + 0.211 (\text{histidine}) - 0.944 (\text{tyrosine}) - 1.816$. Amino acid values in these equations are expressed as percent of total protein.

^{4/} Adjusted to 2.50 for standard casein.

^{5/} Fails to meet any of the requirements for mechanically deboned meat for processing.

Subpart B--Raw Meat Products

§ 319.15 Miscellaneous beef products.

(a) Chopped beef, ground beef. "Chopped Beef" or "Ground Beef" shall consist of chopped fresh and/or frozen beef with or without seasoning and without the addition of beef fat as such, shall not contain more than 30 percent fat, and shall not contain added water, binders, or extenders. When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped or ground beef, the amount of such cheek meat shall be limited to 25 percent; and

§ 319.260 Luncheon meat.

"Luncheon Meat" is a cured, cooked meat food product made from comminuted meat. To facilitate chopping or mixing or to dissolve the usual curing ingredients, water or ice may be used in the preparation of luncheon meat in an amount not to exceed 3 percent of the total ingredients.

§ 319.261 Meat loaf.

"Meat Loaf" is a cooked meat food product in loaf form made from comminuted meat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

Subpart L-Meat Specialties, Puddings and Nonspecific Loaves

§ 319.280 Scrapple.

"Scrapple" shall contain not less than 40 percent meat and/or meat byproducts computed on the basis of the fresh weight, exclusive of bone. The meal or flour used may be derived from grain and/or soybeans.

§ 319.281 Bockwurst.

(a) Bockwurst is an uncured, comminuted meat food product which may or may not be cooked. It contains meat, milk or water or a combination thereof, eggs, vegetables, and any of the optional ingredients listed in paragraph (b) of this section; and is prepared in accordance with the provisions of paragraph (a) (1), (2), (3), and (4) of this section.

(1) Meat shall constitute not less than 70 percent of the total weight of the product and shall consist of pork or a mixture of pork and veal, pork and beef, or pork, veal, and beef. Such meat shall be fresh or fresh frozen
* meat. Pork may be omitted when the specie or species of meat used in the *
* product is identified in the product name (e.g., Veal Bockwurst, Beef *
* Bockwurst, or Beef and Veal Bockwurst). *

(2) The "milk" may be fresh whole milk, dried milk, nonfat dry milk, calcium reduced dried skim milk, or any combination thereof.

(3) "Eggs" refer to whole eggs that are fresh, frozen, or dried.

(4) "Vegetables" refer to onions, chives, parsley, and leeks, alone or in any combination.

(b) Bockwurst may contain one or more of the following optional ingredients:

(1) Pork fat.

(2) Celery, fresh or dehydrated.

(3) Spices, flavorings.

(4) Salt.

(5) Egg whites, fresh, frozen, or dried.

(6) Corn syrup solids, corn syrup, or glucose syrup with a maximum limit of 2 percent individually or collectively, calculated on a dry basis. The maximum quantities of such ingredients shall be computed on the basis of the total weight of the ingredients.

(7) Autolyzed yeast extract, hydrolyzed plant protein, milk protein hydrolysate, and monosodium glutamate.

(8) Sugars (sucrose and dextrose).

(9) Cereal, bread, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, and isolated soy protein, provided such ingredients, individually or collectively, do not exceed 3 1/2 percent of total weight of all the ingredients, except that 2 percent of isolated soy protein shall be deemed to be the equivalent of 3 1/2 percent of any one or more of the other ingredients permitted in this subparagraph. Bockwurst containing any of the ingredients permitted by this subparagraph shall be labeled in accordance with § 317.8(b)(33) of this subchapter.

(c) If bockwurst is cooked or partially cooked, the composition of the raw mix from which it is prepared shall be used in determining whether it meets the requirements of this section.

Subpart M-Canned, Frozen, or Dehydrated Meat Food Products

§ 319.300 Chili con carne.

"Chili con Carne" shall contain not less than 40 percent of meat computed on the weight of the fresh meat. Head meat, cheek meat, and heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredients under specific declaration on the label. The mixture may contain not more than 8 percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk.

§ 319.301 Chili con carne with beans.

"Chili con Carne with Beans" shall contain not less than 25 percent of meat computed on the weight of the fresh meat. Head meat, cheek meat, or heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredient, and its presence shall be reflected in the statement of ingredients required by Part 317 of this subchapter.

§ 319.302 Hash.

"Hash" shall contain not less than 35 percent of meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the weight of the uncooked fresh meat.

§ 319.303 Corned beef hash.

(a) "Corned Beef Hash" is the semisolid food product in the form of a compact mass which is prepared with beef, potatoes, curing agents, seasonings,

than processed livestock by products (such as meat meal tankage, meat and bone meal, blood meal and feed grade animal fat).

(f) Except for inedible rendered animal fats and lungs or lung lobes, inedible products (including condemned products only if condemned for causes specified in § 314.11 of this subchapter) which were prepared at any official establishment, or at any State inspected establishment in any State not listed in § 331.2 of this subchapter, and which have the physical characteristics of a product fit for human food, may be transported from an official establishment or in commerce, without denaturing as required by this subchapter, if the following conditions are met:

(1) The shipper must have obtained a numbered permit for such activity from the appropriate Regional Director, as identified in § 301.2 of this subchapter. Such permit may be obtained upon written application to the appropriate Regional Director and his determination that the proposed transportation would be authorized under this paragraph (f). The application shall state the name and address of the applicant, a description of the type of his business operations, and the purpose of making such application.

(2) Such inedible products may be transported under this paragraph (f) only if consigned to a manufacturer in the United States of articles other than for human food and if the product is for use solely by the consignee for manufacturing articles not for human food. Such products may not be transported in commerce to any consignee other than the one to which they were originally shipped unless prior notice of the diversion is given to the appropriate Regional Director and a record identifying the new consignee is maintained by the shipper as required by § 320.1 of this subchapter.

(3) When transported from an official establishment or in commerce under this paragraph (f), the outside container of such inedible products shall be marked conspicuously with the words "Inedible-Not Intended for Human Food" in letters not less than 2 inches high, in the case of containers such as cartons, drums, tierces, barrels, and half barrels, and not less than 4 inches high in the case of tank cars and trucks used to transport such products not in other containers.

(4) Such inedible products shall be transported from an official establishment or in commerce under this paragraph (f) only in railroad cars, trucks, or containers which bear unofficial seals applied by the shipper, which shall include the identification number assigned to the permit holder and an individual seal serial number assigned by the shipper; and the product so transported shall be accompanied by an invoice or bill of lading specifying the permit holder's identification number. The consignee in the United States must retain a record of the identification and serial numbers shown on the seals in his records as prescribed in Part 320 of this subchapter.

(5) Any diversion, or effort to divert, undenatured, inedible product contrary to the provisions of this paragraph (f) or other violation of the provisions of this section may result in the revocation of the permit for shipment of inedible products under this paragraph (f), at the discretion of the Administrator.

* * * * *

§ 325.13 Denaturing procedures.

(a) Carcasses, parts thereof, meat and meat food products (other than rendered animal fats) that have been treated in accordance with the provisions of this paragraph shall be considered denatured for the purposes of the regulations in this part, except as otherwise provided in Part 314 of this subchapter for articles condemned at official establishments.

(1) The following agents are prescribed for denaturing carcasses, parts thereof, meat or meat food products which are affected with any condition that would result in their condemnation and disposal under Part 314 of this subchapter if they were at an official establishment: Crude carbolic acid; cresylic disinfectant; a formula consisting of 1 part FD&C green No. 3 coloring, 40 parts water, 40 parts liquid detergent, and 40 parts oil of citronella, or other proprietary substance approved by the Administrator in specific cases.¹

(2) Except as provided in subparagraphs (3), (4), and (5) of this paragraph, the following agents are prescribed for denaturing other carcasses, parts thereof, meat and meat food products, for which denaturing is required by this part; FD&C green No. 3 coloring; FD&C blue No. 1 coloring; FD&C blue No. 2 coloring; FD&C violet No. 1 coloring; finely powdered charcoal; or other proprietary substance approved by the Administrator in specific cases.¹

(3) Tripe may be denatured by dipping it in a 6 percent solution of tannic acid for 1 minute followed by immersion in a water bath, then immersing it for 1 minute in a solution of 0.022 percent FD&C yellow No. 5 coloring;

(4) Meat may be denatured by dipping it in a solution of 0.0625 percent tannic acid, followed by immersion in a water bath, then dipping it in a solution of 0.0625 percent ferric acid; and

(5) When meat, meat byproducts, or meat food products are in ground form, 4 percent by weight of coarsely ground hard bone, which shall be in pieces no smaller than the opening size specified for No. 5 mesh in the standards issued by the U.S. Bureau of Standards or 6 percent by weight of coarsely ground hard bone, which shall be in pieces no smaller than the opening size specified for No. 8 mesh in said Standards, uniformly incorporated with the product may be used in lieu of the agents prescribed in subparagraph (2) of this paragraph.

(6) Before the denaturing agents are applied to articles in pieces more than 4 inches in diameter, the pieces shall be freely slashed or sectioned. (If the articles are in pieces not more than 4 inches in diameter, slashing or sectioning will not be necessary.) The application of any of the denaturing agents listed in subparagraph (1) or (2) of this paragraph to the outer surface of molds or blocks of boneless meat, meat byproducts, or meat food products shall not be adequate. The denaturing agent must be mixed intimately with all of the material to be denatured, and must be applied in such quantity and

¹ Information as to approval of any proprietary denaturing substance may be obtained from the Technical Services, Meat and Poultry Inspection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250

manner that it cannot easily and readily be removed by washing or soaking. A sufficient amount of the appropriate agent shall be used to give the material a distinctive color, odor, or taste so that such material cannot be confused with an article of human food.

(b) Inedible rendered animal fats shall be denatured by thoroughly mixing therein denaturing oil, No. 2 fuel oil, brucine dissolved in a mixture of alcohol and pine oil or oil of rosemary, finely powdered charcoal, or any proprietary denaturing agent approved for the purpose by the Administrator in specific cases. The charcoal shall be used in no less quantity than 100 parts per million and shall be of such character that it will remain suspended indefinitely in the liquid fat. Sufficient of the chosen identifying agents shall be used to give the rendered fat so distinctive a color, odor, or taste that it cannot be confused with an article of human food.

§ 325.14 Certificates, retention by carrier.

All original certificates delivered to a carrier in accordance with this part shall be filed separate and apart from all its other papers and records or identified in such a manner as to be readily checked by Department employees. Every certificate required to be maintained under this part shall be retained for a period of 2 years after December 31 of the year in which the transaction has occurred.

§ 325.15 Evidence of proper certification required on waybills; transfer bills, etc., for shipment by connecting carrier; forms of statement.

(a) All waybills, transfer bills, running slips, conductor's cards, or other papers accompanying a shipment, in the course of importation or otherwise in commerce, of any product shall have embodied therein, stamped thereon, or attached thereto a signed statement which shall be evidence to connecting carriers that the proper shipper's certificate, as required by * § 325.4, § 325.5, § 325.6, § 325.7, § 325.10, or § 325.11, is on file with the * initial carrier; and no connecting carrier shall receive for transportation or transport in the course of importation or otherwise in commerce any product unless the waybill, transfer bill, running slip, conductor's card, or other paper accompanying the same includes the aforesaid signed statement in the appropriate one of the following forms:

(1) When shipment is made under § 325.4, § 325.5, § 325.6, or § 325.7:

.....
(Name of transportation company)
U.S. inspected and passed, as evidenced by shipper's certificate on file with initial carrier.

(Signed).....Agent.

* (2) When shipment is made under § 325.10: *

.....
(Name of transportation company)
U.S. inspected and passed product alleged to be adulterated or misbranded as evidenced by permit and shipper's certificate on file with initial carrier.

(Signed).....Agent.

* (3) When shipment is made under § 325.11: *

.....
(Name of transportation company)

Adulterated, misbranded, or nonfederally inspected product which has been denatured or otherwise identified as required by the Federal Meat Inspection Regulations, as evidenced by shipper's certificate on file with initial carrier.

(Signed).....Agent.

(b) Signatures of agents to statements required under this section shall be written in full.

(c) No statement as prescribed in this section is required for the transportation of any animal food if it is eligible for transportation in commerce without a shipper's certificate under § 325.11(e).

§ 325.16 Official seals; forms, use, and breaking.

(a) The official seals required by this part shall be those prescribed in § 312.5(a) of this subchapter.

(b) Except as provided in § 325.18(b), official seal affixed under this part shall be affixed or broken only by Program employees, and no person other than a Program employee shall affix, detach, break, change, or tamper with any such seal in any way whatever. Commission of any such acts contrary to this regulation is a criminal offense.

§ 325.17 Loading or unloading products in sealed railroad cars, trucks, etc., en route prohibited; exception.

Unloading any product from an officially sealed railroad car, truck, or other means of conveyance containing any unmarked product or loading any product or any other commodity in the means of conveyance while en route from one official establishment to another official establishment is not permitted, except that product transported under § 325.5 from one official establishment to another for further processing may be unloaded and stored in transit at any approved warehouse which is operated under the identification service provided under the regulations in Part 350 of Subchapter B of this chapter and which has railroad facilities or a receiving dock for unloading the product directly into such warehouse: Provided, That the product is stored in rooms which are of such size and type as will not result in adulteration or misbranding of the product: And provided further, That the product is transported to and from such warehouse, and under official seal as provided in § 325.5 and stored in such rooms at such warehouse.

§ 325.18 Diverting of shipments, breaking of seals, and reloading by carrier in emergency; reporting to Administrator.

(a) Shipments of inspected and passed product that bear the inspection legend may be diverted from the original destination without a reinspection of the articles, provided the waybills, transfer bills, running slips, conductor's

card, or other papers accompanying the shipments are marked, stamped, or have attached thereto signed statements in accordance with § 325.15.

(b) In case of wreck or similar extraordinary emergency, the Department seals on a railroad car or other means of conveyance containing any inspected and passed product may be broken by the carrier, and if necessary, the articles may be reloaded into another means of conveyance, or the shipment may be diverted from the original destination, without another shipper's certificate; but in all such cases the carrier shall immediately report the facts by telephone or telegraph to the Deputy Administrator, Meat and Poultry Inspection Field Operations, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. Such report shall include the following information:

- (1) Nature of the emergency.
- (2) Place where seals were broken.
- (3) Original points of shipment and destination.
- (4) Number and initial of the original car or truck.
- (5) Number and initials of the car or truck into which the articles are reloaded.
- (6) New destination of the shipment.
- (7) Kind and amount of articles.

§ 325.19 Provisions inapplicable to specimens for laboratory examination, etc., or to naturally inedible articles.

The provisions of this Part do not apply:

(a) To specimens of product sent to or by the Department of Agriculture or divisions thereof in Washington, D.C., or elsewhere, for laboratory examination, exhibition purposes, or other official use;

(b) To material released for educational, research, and other nonfood purposes, as prescribed in § 314.9 of this subchapter;

(c) To glands and organs for use in preparing pharmaceutical, organotherapeutic, or technical products and not used for human food, as described in § 318.1(g) of this subchapter;

(d) To material or specimens of product for laboratory examination, research, or other nonhuman food purposes, when authorized by the Administrator, and under conditions prescribed by him in specific cases; and

(e) To articles that are naturally inedible by humans, such as hoofs, horns, and hides in their natural state.

§ 325.20 Transportation and other transactions concerning dead, dying, disabled, or diseased livestock, and parts of carcasses of livestock that died otherwise than by slaughter.

No person engaged in the business of buying, selling, or transporting in commerce, or importing any dead, dying, disabled, or diseased animals or parts of the carcasses of any animals that died otherwise than by slaughter shall:

(a) Buy, sell, transport, or offer for sale or transportation, in commerce, or import any dead livestock if its hide or skin has been removed;

THE REVERSE OF THIS PAGE (page 176) IS INTENDED TO BE BLANK.

§ 327.14 Marking of products and labeling of immediate containers thereof for importation.

(a) Product which is offered for importation, and which is susceptible of marking, shall, whether or not enclosed in an immediate container, bear the name of the country of origin, preceded by the words "product of"; the establishment number assigned by the foreign meat inspection system and certified to the Program; and such other markings as are necessary for compliance with Part 316 of this subchapter. When such markings are imprints of stamps or brands made with branding ink, such ink shall be harmless and shall create permanent imprints. In case the name of the country of origin appears as part of an official mark of the national foreign government and such name is prominently and legibly displayed, the words "product of" may be omitted.

(b) In addition to the marking of products required under paragraph (a) of this section, the immediate container of any product offered for importation:

(1) Shall bear a label showing in accordance with § 317.2 of this subchapter all information required by that section (except that the establishment number assigned by the foreign meat inspection system and certified to the Program and the official inspection mark of the foreign meat inspection system shall be shown instead of the official inspection legend of the United States) and in addition the name of the country of origin preceded by the words "product of," immediately under the name or descriptive designation of the product as required by § 317.2: Provided, That such establishment number may be omitted from a label lithographed directly on a can if said number is lithographed or embossed elsewhere on the can; and

(2) Shall, if such immediate container is a sealed metal container, have the establishment number assigned by the foreign meat inspection authority and certified by the Program embossed or lithographed on the sealed metal container, and such establishment number shall not be covered or obscured by any label or other means.

(c) All marks, and other labelings for use on or with immediate containers, as well as private brands on carcasses or parts of carcasses shall be submitted for approval, to the Labels and Packaging Staff, Meat and Poultry Inspection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, and approved as provided in Part 317 of this subchapter, before products bearing such marks, labeling or brands will be admitted into the United States: Provided, That the marks of inspection of foreign systems embossed on metal containers or branded on carcasses or parts thereof need not be submitted for approval; and stencils, box dies, labels, and brands may be used on such immediate containers as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers of foreign products provided the markings made by such articles are applicable to the product and are not false or misleading and are used with the approval of the inspector in charge.

§ 327.15 Outside containers of foreign products; marking and labeling; application of official inspection legend.

(a) The outside container in which any immediate container of foreign product is shipped to the United States shall bear, in English, in a prominent and legible manner:

(1) The name or descriptive designation of the product in accordance with § 317.2 of this subchapter;

(2) The name of the country of origin; and

(3) The establishment number assigned by the foreign meat inspection system and certified to the Program.

(b) All labeling used with an outside container of foreign product must be approved in accordance with Part 317 of this subchapter.

(c) All outside containers of products which have been inspected and passed in accordance with this part shall be marked by a Program employee or under his supervision with the official import meat inspection mark prescribed in § 312.7.

§ 327.16 Small importations for importer's own consumption; requirements.

Any product offered for importation in a quantity of 50 pounds or less which was purchased by the importer outside the United States for his own consumption, is eligible for importation into the United States from any country without compliance with the provisions in other sections of this part but subject to applicable requirements under other laws, including the regulations in Part 94 of this title. However, Program employees may inspect any product offered for importation under this section to determine whether it is within the class eligible for importation under this paragraph. *

§ 327.17 Returned U.S. inspected and marked products.

U.S. inspected and passed and so marked products exported to and returned from foreign countries will be admitted into the United States without compliance with this part upon notification to and approval of the Deputy Administrator, Meat and Poultry Inspection Field Operations, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, in specific cases.

§ 327.18 Imported products to be handled and transported as domestic; entry into official establishments; exception.

(a) All imported products, after entry into the United States, shall be deemed and treated as domestic products and shall be subject to the applicable provisions of the Act and the regulations in this subchapter and the applicable requirements under the Federal Food, Drug, and Cosmetic Act, except that products imported under § 327.16 are required to comply only with the requirements of that Act and § 327.16 of this subchapter. *

(b) Imported products inspected, passed, and marked in accordance with this part may, subject to the provisions of Part 318 of this subchapter, be taken into official establishments and be mixed with or added to any product in such establishments which has been inspected and passed therein.

(c) Imported product which has been inspected, passed, and marked under this part may be transported in the course of importation or subsequently in commerce only upon compliance with Part 325 of this subchapter.

drainage lines to a point outside the buildings will not be required in existing construction when positive acting back-flow devices are installed.

(d) Section 314.2 of this subchapter shall apply to such establishments, except that a separate room or compartment need not be provided for inedible products if they can be handled so that they do not create insanitary conditions in any room or compartment used for edible products or otherwise render any edible products adulterated and do not interfere with the conduct of inspection. For example, intestines, paunch contents, feet, and hides might be accumulated on the kill floor in clean, watertight drums with close fitting covers if there is sufficient space to store them out of the way until the close of the day's operation.

(e) Sections 316.7, 317.3, and 317.4 of this subchapter shall apply to such establishments, except as provided in this paragraph (e).

(1) The operator of each such establishment shall, prior to the inauguration of inspection, identify all labeling and marking devices in use, or proposed for use (upon the date of inauguration of inspection) to the circuit supervisor of the circuit in which the establishment is located. Temporary approval, pending formal approval under §§ 316.7, 317.3, and 317.4 of this subchapter, will be granted by the circuit supervisor for labeling and marking devices that he determines are neither false nor misleading, provided the official inspection legend bearing the official establishment number is applied to the principal display panel of each label, either by a mechanical printing device or a self-destructive pressure sensitive sticker, and provided the label shows the true product name, an accurate ingredient statement, the name and address of the manufacturer, packer, or distributor, and any other features required by paragraph 1(n) of the Act.

(2) The circuit supervisor will forward one copy of each item of labeling and a description of each marking device for which he has granted temporary approval to the Washington, D.C. office of the Labels and Packaging Staff and will retain one copy in a temporary approval file for the establishment.

(3) The operator of the official establishment shall promptly forward a copy of each item of labeling and a description of each marking device for which temporary approval has been granted by the circuit supervisor (showing any modifications required by the circuit supervisor) to the Labels and Packaging Staff, Meat and Poultry Inspection, Animal and Plant Health Inspection Service, USDA, Washington, D.C. 20250, accompanied by the formula and details of preparation and packaging for each product. Within 90 days after inauguration of inspection, all labeling material and marking devices temporarily approved by the circuit supervisor must receive approval as required by §§ 316.7, 317.3, and 317.4, of this subchapter or their use must be discontinued.

(4) The circuit supervisor will also review all shipping containers to insure that they do not have any false or misleading labeling and are otherwise not misbranded. Modifications of unacceptable information on labeling material by the use of self-destructive pressure sensitive tape or by blocking out with an ink stamp will be authorized on a temporary basis to permit the maximum allowable use of all labeling materials on hand. All unacceptable labeling material which is not modified to comply with the requirements of this subchapter must be destroyed or removed from the official establishment.

(f) Sections 320.1, 320.2, 320.3, 320.4, 320.5, 325.20, and 325.21 apply to operations and transactions not in or for commerce in a State designated under paragraph 301(c) only if the State is also designated under section 205 of the Act and if such provisions are applicable as shown in § 331.6 of this part.

(g) Paragraph 321.1(a) of this subchapter will not apply to States designated under paragraph 301(c) of the Act.

* (h) Parts 322 and 327 and § 325.3 of this subchapter relating to exports and imports do not apply to operations and transactions solely in or for intrastate commerce. *

(i) Part 325 of this subchapter will apply to establishments required to have inspection under § 302.1(a)(2) of this subchapter and to operations and transactions solely in or for intrastate commerce, except as provided in paragraphs (h) and (j) of this section.

(j) Sections 325.4, 325.15, and 325.1(b) of this subchapter will not apply to require a certificate, or evidence thereof, for the distribution solely within any designated State of products that are U.S. inspected and passed and so marked.

§ 331.4 Control and disposal of nonfederally inspected products in States designated under paragraph 301(c) of the Act.

Upon the effective date of designation of a State under paragraph 301(c) of the Act, no products can be prepared within the State unless they are prepared under inspection pursuant to the regulations in this subchapter or are exempted from the requirement of inspection under § 303.1 of this subchapter, and no unexempted products which were prepared without any inspection can lawfully be distributed within the State. For a period of 90 days from the effective date of such designation, products which were prepared and inspected and passed under the supervision of a responsible State or local inspection agency can be distributed solely within the State, provided they are not adulterated or misbranded, except that the official inspection legend is not required. Within the 90-day period, products that have been inspected by the State or local inspection agency may be further prepared and otherwise handled in official establishments required to have inspection under § 302.1(a)(2) of this subchapter or at establishments exempted from the requirements of such inspection under § 303.1 of this subchapter, and may be distributed as provided in this section but otherwise shall be handled in accordance with § 305.4 of this subchapter. Such products shall not bear any [Federal] official inspection legends. After said 90-day period, only federally inspected and passed products may be distributed within the designated State, except as provided in § 303.1 of this subchapter.

§ 331.5 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of products; application of regulations.

(a) An establishment preparing products solely for distribution within any State shall be designated as one producing adulterated products which would clearly endanger the public health, if:

decision was correct. Review of such appeal determination, when requested, shall be made by the immediate superior of the employee of the Department making the appeal determination. The cost of any such appeal shall be borne by the appellant if the Administrator determines that the appeal is frivolous. The charges for such frivolous appeal shall be at the rate of \$9.28 per hour for the time required to make the appeal inspection. The poultry or poultry products involved in any appeal shall be identified by U.S. retained tags and segregated in a manner approved by the inspector pending completion of an appeal inspection.

Subpart G-Facilities for Inspection; Overtime and Holiday Service;
Billing Establishments

§ 381.36 Facilities required.

(a) Inspector's Office. Office space, including, but not being limited to furnishings, light, heat, and janitor service, shall be provided rent free in the official establishment, for the use of Government personnel for official purposes. The room or space set apart for this purpose must meet the approval of the Inspection Service and be conveniently located, properly ventilated, and provided with lockers or file cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors to change clothing. At the discretion of the Administrator, small plants requiring the services of less than one full-time inspector need not furnish facilities for Program employees as prescribed in this section, where adequate facilities exist in a nearby convenient location. Each official establishment shall provide commercial laundry service for inspectors' outer work clothing, or disposable outer work garments designed for one-time use, or uniform rental service garments which are laundered by the rental service.

(b) Facilities for ante-mortem inspection. Batteries, coops, or other facilities in which live poultry is presented for ante-mortem inspection shall be of such arrangement and construction, and shall be so placed with sufficient light provided so that the inspector can clearly see the birds to the extent needed to carry out an adequate inspection.

§ 381.37 Schedule of operations.

(a) No operations requiring inspection shall be conducted except under the supervision of an Inspection Service employee. All eviscerating of poultry and further processing shall be done with reasonable speed, considering the official establishment's facilities.

(b) A shift is a regularly scheduled operating period, exclusive of mealtime. One lunch period is the only official authorized interruption in the inspector's tour of duty once it begins. Lunch periods may be 30 minutes, 45 minutes, or in any case may not exceed one hour in duration. Once established, the lunch period must remain relatively constant as to time and duration. Lunch periods for inspectors shall not, except as provided herein, occur prior to 4 hours after the beginning of scheduled operations nor later than 5 hours after operations begin. In plants where a company rest break of not less than 30 minutes is regularly observed, approximately midpoint between start of work and the lunch period, and the inspector is allowed this time to meet his personal needs, the lunch period may be scheduled as long as 5 1/2 hours after the beginning of scheduled operations.

(c) Official establishments, importers, and exporters shall be provided inspection service, without charge, up to 8 consecutive hours per shift during the basic workweek subject to the provisions of § 381.38: Provided, That any additional shifts meet requirements as determined by the Administrator or his designee. The basic workweek shall consist of five consecutive 8-hour days Monday through Friday, excluding the lunch period; except those plants presently operating on an approved Tuesday through Saturday schedule shall continue on this schedule until such time as a change in ownership occurs, or they request and are granted a Monday through Friday work schedule; and further, except in the designation of State programs, the Department may depart from the Monday to Friday workweek in those cases where it would seriously handicap the Department in carrying out its function.

(d) (1) Each official establishment shall submit a work schedule to the area supervisor for approval. In consideration of whether the approval of an establishment work schedule shall be given, the area supervisor shall take in account the efficient and effective use of inspection personnel. The work schedule must specify the workweek, daily clock hours of operation, and lunch periods for all departments of the establishment requiring inspection.

* (2) Establishments shall maintain consistent work schedules. Any *
request by an establishment for a change in its work schedule involving changes in the workweek or an addition or elimination of shifts shall be submitted to the area supervisor at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved: Provided, however, minor deviations from a daily operating schedule may be approved by the inspector in charge if such request is received on the day preceding the day of change.

* (3) Requests for inspection service outside an approved work schedule *
shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service at the start of the following day: Provided, That an inspector may be recalled to his assignment after the completion of his daily tour of duty under the provisions of § 381.39(b).

§381.38 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Animal and Plant Health Inspection Service \$12.40 per hour per Program employee to reimburse the Program for the cost of the
* inspection service furnished on any holiday specified in paragraph (b) of *
* this section; or for more than 8 hours on any day, or more than 40 hours in *
* any administrative workweek Sunday through Saturday. *

(b) Holidays for Federal employees shall be New Year's Day, January 1; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans' Day, the fourth Monday in October; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25. When any of the above-listed holidays falls outside the basic workweek, the nearest workday within that week shall be the holiday.

§ 381.39 Basis of billing for overtime and holiday services.

(a) Each recipient of overtime or holiday inspection service, or both, shall be billed at the rate established in § 381.38(a), in increments of quarter hours. For billing purposes, 8 or more minutes shall be considered a full quarter hour. Billing will be for each quarter hour service rendered by each Inspection Service employee.

(b) Official establishments, importers, or exporters requesting and receiving the services of an Inspection Service employee after he has completed his day's assignment and left the premises, or called back to duty during any overtime or holiday period, shall be billed for a minimum of 2 hours overtime or holiday inspection service at the established rate.

(c) Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime or holiday inspection will not be performed for anyone having a delinquent account.

§ 381.40 [Reserved]

§ 381.41 [Reserved]

§ 381.42 [Reserved]

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Issuances of the Meat and Poultry Inspection Program. This publication contains selected CFR amendments, MPI bulletins, and MPI directives; changes to the Meat and Poultry Inspection Manual; and changes to the Meat and Poultry Inspection Regulations. It is published monthly by the Issuance Coordination Staff, Technical Services, and is available, upon subscription, from the U.S. Government Printing Office.

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